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HEARINGS HELD IN SAN FRANCISCO,
CALIF., JUNE 18-21, 1957—PART 2

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
FIRST SESSION

JUNE 20 AND 21, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

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* * * * *

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HEARINGS HELD IN SAN FRANCISCO, CALIF., JUNE 18-21, 1957—PART 2

THURSDAY, JUNE 20, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:30 a. m., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Gordon H. Scherer, of Ohio; and Robert J. McIntosh, of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator.

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, before calling the first witness, I would like to call one matter to your attention.

Dr. Patten in the course of his testimony yesterday identified a member of the Professional Section of the Communist Party by the name of Halperin. A gentleman has come to see me by the name of Mr. Morris Halperin, who is not the person referred to; but because of the similarity of names, I thought it was the only proper thing to do to call the witness' attention to it and let it appear in the record that Mr. Morris Halperin, whose residence is 3014 Shattuck Avenue, Berkeley, is not the individual referred to by Dr. Patten.

The CHAIRMAN. I would like to state that I had my attention called a moment ago to a photograph in the San Francisco Call Bulletin, Wednesday, June 19, with a headline "Communist Probers Hear Fifth Amendment Invoked," under which appeared the photographs of six people, among them Jay Darwin. I think this is indeed unfortunate. It was not done deliberately because Mr. Darwin is one of those union leaders who made great contributions in getting the Communists out of the CIO, and certainly there should not be any implication that he invoked the fifth amendment.

Mr. TAVENNER. He was a voluntary witness, Mr. Chairman, as you recall.

I would like to call at this time Mrs. Dorothy Jeffers.

Will you come forward, please.

The CHAIRMAN. Will you stand, please, and raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JEFFERS. I do.

TESTIMONY OF MRS. DOROTHY (M.) JEFFERS

Mr. TAVENNER. You are Mrs. Dorothy Jeffers?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you spell your name, please.

Mrs. JEFFERS. J-e-f-f-e-r-s.

Mr. TAVENNER. I wonder if you could move your chair a little to your right. It is difficult to hear you.

It is noted, Mrs. Jeffers, that you are not accompanied by counsel. The committee makes it a practice to advise every witness that he or she is entitled to counsel if desired.

Mrs. JEFFERS. I felt that I did not need counsel.

Mr. TAVENNER. Where were you born, Mrs. Jeffers?

Mrs. JEFFERS. In Chicago, Ill.

Mr. TAVENNER. Where do you now reside?

Mrs. JEFFERS. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mrs. JEFFERS. I would say since 1929.

Mr. TAVENNER. Will you briefly outline to the committee, please, what your formal educational training has been?

Mrs. JEFFERS. Yes. Since high school, I graduated from the University of Nebraska and have had some graduate courses at San Francisco State College. I was in high school in Nebraska.

Mr. TAVENNER. Will you give the committee, please, a brief outline of your employment record?

Mrs. JEFFERS. I taught school for 3 years before I married and after graduation, then I was not employed until 1942 when I was employed by the Washington Community Center in San Francisco as first a secretary and then counselor and social worker.

Mr. TAVENNER. Will you tell the committee, please, whether you have had an opportunity over a period of time to be familiar with the workings of the professional groups of the Communist Party in San Francisco?

Mrs. JEFFERS. I feel that I have had such an opportunity; yes.

Mr. TAVENNER. What opportunity did you have?

Mrs. JEFFERS. Well, shall I start from the beginning?

Mr. TAVENNER. Just as you please.

Mrs. JEFFERS. I was a member of the Communist Party. I became a member of the Communist Party at the request of the Federal Bureau of Investigation.

Mr. TAVENNER. When was that, approximately?

Mrs. JEFFERS. I would say approximately 1942 or 1943.

Mr. TAVENNER. Will you tell the committee, please, under what circumstances you entered the Communist Party?

Mrs. JEFFERS. First I was contacted by a member of the Federal Bureau of Investigation who asked me if I would work with them for the Bureau and I agreed to do so. In the meantime, I had become acquainted with a person who I later learned was a member of the Communist Party. She came to the community center for meetings to be held there on the subject of housing for Negroes. I worked with her committee informally in assisting her in clerical work, lists of names; we exchanged lots of conversation on the subject of Negroes and women in employment, and we became acquainted in this way.

She asked me at one point if I would like to become a member of the party since I seemed to be interested in Negro rights. Having already had contact with the Federal Bureau, I told her yes.

Mr. TAVENNER. Who was that person?

Mrs. JEFFERS. Her name was Mary Shepardson.

Mr. TAVENNER. Was she married at that time?

Mrs. JEFFERS. I think that she was not married at that time. She later married—at this moment I do not recall who.

Mr. TAVENNER. Do you recall what her maiden name was? Maybe you said; I am not certain.

Mrs. JEFFERS. I did not say. I think her married name was Shepardson. At this moment I can't tell you.

Mr. TAVENNER. Was it Mary Scott?

Mrs. JEFFERS. Mary Scott. That is how I knew her, as Mary Scott, and then as Shepardson.

Mr. TAVENNER. Preparatory to your being interviewed by any functionary or member of the Communist Party other than her, were you given anything by Mary Scott to study in preparation for your admission to the Communist Party?

Mrs. JEFFERS. I was given a volume called, I believe, History of the Communist Party of the Soviet Union, or History of the Socialist Party in the Soviet Union. Something to that effect.

Mr. TAVENNER. Who gave that to you?

Mrs. JEFFERS. That was given to me by Mary Scott Shepardson.

Mr. TAVENNER. Was her name signed in that book?

Mrs. JEFFERS. The name Mary was signed.

Mr. TAVENNER. I will ask you to later produce the book. You still have it, have you not?

Mrs. JEFFERS. Yes, I still own it. I did not return it to her.

Mr. TAVENNER. What was the next step in your admission to the Communist Party?

Mrs. JEFFERS. After the first formal interview and invitation, or during that, Miss Scott said that someone else would come to see me. Within a period of a week or 10 days, perhaps 2 weeks, Leonard Pockman came to see me.

Mr. TAVENNER. Leonard P-o-c-k-m-a-n?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. Can you further identify Mr. Pockman?

Mrs. JEFFERS. At that time I did not know his work. I later learned that he was an instructor or a professor of physics at the State college.

Mr. TAVENNER. Can you recall at this time any of the conversation that you had with Mr. Pockman?

Mrs. JEFFERS. He asked me what purpose I felt would be served by joining the party. He asked me what I had read along the lines of socialism or communism. Very naively I said I read the Nation, which is not Communist literature but is a liberal magazine, but I thought I was being very inviting.

Mr. TAVENNER. Where did this discussion take place?

Mrs. JEFFERS. He came to see me at my place of work at the community center, and we went across the hall to the library where we could be alone. He had then told me—I do not think he told me at the time where I was to go for the first meeting but someone got in

touch with me and told me where the first meeting would be held which I would attend.

Mr. TAVENNER. Was the question of Negro rights mentioned at that first interview?

Mrs. JEFFERS. Yes. This was an important facet of my entering the party.

Mr. TAVENNER. What was the nature of that discussion he had with you regarding Negro rights?

Mrs. JEFFERS. The party was working very strongly to gain full rights, political and economic, for Negroes and I would be very helpful in advancing the cause by joining the party.

Mr. TAVENNER. Then you were subsequently accepted into the party?

Mrs. JEFFERS. Yes.

Mrs. TAVENNER. About how long after this conversation with Mr. Pockman did that occur?

Mrs. JEFFERS. I attended my first meeting, I would say, within 2 or 3 weeks, within the month, I can be sure, of my interview with him.

Mr. TAVENNER. Do you recall the circumstances surrounding that first meeting? I am speaking of the first meeting of the Communist Party which you attended.

Mrs. JEFFERS. I was given an address and a first name only. I was to go to a certain address. I believe that it was on Clay or one of those streets parallel with Clay Street, and I was to ask for Mary.

Mr. TAVENNER. You were to ask for Mary?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. At that time did you know who Mary was?

Mrs. JEFFERS. No.

Mr. TAVENNER. After you met Mary did you recognize her at that time as any person you had known?

Mrs. JEFFERS. I had not known her.

Mr. TAVENNER. Did you learn that this meeting was held at the home of the person called Mary?

Mrs. JEFFERS. It was; yes.

Mr. TAVENNER. Did you later through activity in the Communist Party learn to know who Mary was?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Who was she?

Mrs. JEFFERS. Her name was Mary Burrell.

Mr. TAVENNER. Will you spell the last name?

Mrs. JEFFERS. I think B-u-r-r-e-l-l.

Mr. TAVENNER. Do you recall in what occupation or profession she was engaged?

Mrs. JEFFERS. I later learned that she was a musician. I did not learn that immediately. I think she was with the San Francisco Symphony.

Mr. TAVENNER. You think with the San Francisco Symphony?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you attend Communist Party meetings at her home on more than one occasion?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Can you describe for us or give us a general idea of the number of meetings that were held or how frequently you attended meetings at her home?

Mrs. JEFFERS. That is a little difficult for me to say. I should say more than several. I also attended meetings with her elsewhere.

Mr. TAVENNER. But there were more than several meetings at her home?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. What type of club or group of the Communist Party was this to which you were first assigned?

Mrs. JEFFERS. It was called a professional club. Professional clubs were set up, I later learned, for the purpose of preserving the security of professionals who entered the party or who were members of the party. So, they would not meet with the general public or people in other walks of life who might not be so security conscious.

Mr. TAVENNER. In other words, their identity was to be kept secret from other members of the Communist Party?

Mrs. JEFFERS. To all intents and purposes, yes, except upper functionaries who might meet with them on occasion for conference and so on.

Mr. TAVENNER. Can you recall what professions were represented in this group?

Mrs. JEFFERS. I barely at that time fitted into the professional group because I was a clerical worker, but I made it clear I did not want to go into an open club. There were doctors, lawyers, social workers, I believe. There was an artist or two, the musician whom I have just mentioned. There was a newspaper person—how many have I named?

Mr. TAVENNER. Five or six, I think.

Mrs. JEFFERS. There were also miscellaneous people such as housewives who were not employed.

Mr. TAVENNER. Do you recall whether this professional club to which you were assigned was known by any name other than just a professional group or cell?

Mrs. JEFFERS. I think there was more than one professional group in the San Francisco party. I believe that when I first entered the party it was called North Side Club.

Mr. TAVENNER. But that was a professional group?

Mrs. JEFFERS. That was a professional group. I was in no other than the professional group.

Mr. TAVENNER. Did it change its name at any time?

Mrs. JEFFERS. I think at one time we became a miscellaneous club, a Richmond Club, New Eric Club, and Christopher Caldwell.

Mr. TAVENNER. Christopher Caldwell?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What was the significance of giving the professional club a name of that kind?

Mrs. JEFFERS. I think this was the name of a socialist writer. I have read nothing that he has written. I was unfamiliar with the name. It was suggested by a member whom I don't recall at the moment. His name was suggested. He was a writer of literature in line with the party thinking, an English writer.

Mr. TAVENNER. Do you know the names of other professional clubs of the Communist Party?

Mrs. JEFFERS. When I first entered the party, there were some lawyers in our group. Later the lawyers formed a club of their own which was known as Haymarket.

Mr. TAVENNER. That was the lawyers professional group?

Mrs. JEFFERS. That is right. I believe the doctors later formed a professional group, but I do not recall the name of their club.

Mr. TAVENNER. Can you give the committee an idea of the strength of the membership in the club when you first became a member of it?

Mrs. JEFFERS. The club was a large club. There were probably 30 to 35 people in the club.

Mr. TAVENNER. Can you recall the names of the officers of that club when you first became a member of it?

Mrs. JEFFERS. When I first became a member of the party, the club which I entered had as its president Mr. Harold Sawyer.

Mr. TAVENNER. What was his occupation?

Mrs. JEFFERS. He was an attorney.

Mr. TAVENNER. Can you recall the names of any other officers?

Mrs. JEFFERS. I believe that the secretary was Rikee Elsesser.

Mr. TAVENNER. Rikee Elsesser. Spell it.

Mrs. JEFFERS. E-l-s-e-s-s-e-r, I believe.

Mr. TAVENNER. Do you know anything about the occupation of Rikee Elsesser?

Mrs. JEFFERS. She was employed at Mount Zion Hospital. I think she was in the personnel department.

Mr. TAVENNER. Earlier in your testimony, you referred to a book that was given you prior to your admission to the party by Mary Scott. I hand you a book and ask you to examine it and tell the committee whether or not that is the book you referred to.

Mrs. JEFFERS. History of the Communist Party of the Soviet Union. Yes, this is her name. This name was in it when she gave it to me.

Mr. TAVENNER. The name Mary, M-a-r-y, appears on the flyleaf?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you see her write the name? Do you recall?

Mrs. JEFFERS. I would not say that. I do not recall that I did.

Mr. TAVENNER. Did the book have the name Mary in it when it was given to you?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you tell the committee the approximate date you ceased your activity within the Communist Party on behalf of the Federal Bureau of Investigation?

Mrs. JEFFERS. 1952.

Mr. TAVENNER. During your experience in the Communist Party, did you take any special course of training as a part of your Communist Party duties?

Mrs. JEFFERS. Yes, I went to one series of classes conducted by Harold Sawyer, held at the home of Alice Miggs.

Mr. TAVENNER. M-i-g-g-s?

Mrs. JEFFERS. Yes, I think so. The subject of the course as I remember it was imperialism. At least that was the content of the course. That was probably a month or 6 weeks, once a week.

Mr. TAVENNER. You said these meetings took place in the home of Alice Miggs. Was Alice Miggs known to you as a member of the Communist Party?

Mrs. JEFFERS. I really did not know her. I was given the address and in passing I was told it was Alice Miggs' home.

Mr. TAVENNER. You were in her home, but you are not testifying that you knew that Alice Miggs was a member of the Communist Party?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. I want the record to be clear that you are not identifying her as a member of the Communist Party.

Do you know anything about the circumstances under which the use of her home was obtained for this purpose?

Mrs. JEFFERS. No, I don't know.

Mr. TAVENNER. About how many persons attended this school?

Mrs. JEFFERS. That was a comparatively small group, perhaps 6 or 8 people, representatives from other professional clubs, you know, of the 3 or 4, perhaps 1 or 2 from each club. I was directed to attend.

Mr. TAVENNER. You were asked to attend?

Mrs. JEFFERS. I was asked to do so and was told it would be good for increasing my knowledge.

Mr. TAVENNER. How soon was that after your entry into the Communist Party? Was it early or late in your experience?

Mrs. JEFFERS. I would say probably in my first year.

Mr. TAVENNER. Was anyone else present from your immediate club of the Communist Party or were you the only representative from your professional group?

Mrs. JEFFERS. As I remember, only Mr. Sawyer, the instructor.

Mr. TAVENNER. And yourself?

Mrs. JEFFERS. And myself.

Mr. TAVENNER. These other persons you stated were from other professional groups of the Communist Party?

Mrs. JEFFERS. I think so, because it was a course given for the Professional Section.

Mr. TAVENNER. Can you recall at this time the names of any other persons who attended this school?

Mrs. JEFFERS. I cannot. They were not known to me and one did not introduce one's self or ask names of people. It just was not the thing to do, so I do not know who it was.

Mr. TAVENNER. If you showed any particular interest in learning the identity you would have been suspected?

Mrs. JEFFERS. Exactly so.

Mr. TAVENNER. Did you have occasion to see these people later?

Mrs. JEFFERS. I can't recall.

Mr. TAVENNER. As a result of your activity in the Communist Party, the professional group of the Communist Party, did you hold any office or offices?

Mrs. JEFFERS. The first office which I held in the party was as literature director for my club.

Mr. TAVENNER. Did you hold any other office?

Mrs. JEFFERS. I became the dues secretary, and later membership secretary, and finally I became chairman of the club group.

Mr. TAVENNER. Your first office, you say, was that of literature director?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What were your duties and functions as the literature director?

Mrs. JEFFERS. I was instructed to pick up literature for use of the club for sale to the club members, bearing in mind the educationals which we planned for the immediate future, perhaps for the next week or perhaps for the next month plus other reading matter, books, or pamphlets bearing on political events or economic problems of this country or other countries, the international situation, all of these I should say were interpreted from the Marxist point of view.

Also I picked up from time to time Marxist classics, the Little Lenin Libraries, the writings of Lenin or Stalin, that sort of thing. Occasionally the bookstore had publications of Communist Parties in other countries, from England, from France.

Mr. TAVENNER. You say, Communist Party documents from other countries?

Mrs. JEFFERS. Publications, yes, from Russia, from China.

Mr. TAVENNER. Were those publications which imparted Communist Party propaganda for use in this country?

Mrs. JEFFERS. Sometimes, not always. Sometimes it was an explanation of what was going on in that respective country, you see. For example, we had a number of pamphlets from China explaining the farm program in China by Mao Tse-tung. We had pamphlets from France with respect to trade unions in France.

Mr. TAVENNER. Don't you concede that those documents were made available to members of the Communist Party in this country for propaganda purposes?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Where did you get this material?

Mrs. JEFFERS. I picked up literature from the International Book Store, Inc., on Market Street, which was—it was the first block below Van Ness on the corner. It was in the 1400 block. It was a triangular-shaped building.

Mr. TAVENNER. Were you directed to procure these documents there?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. By the way, I should have asked you a while ago when you said you were told to attend this school of 7 or 8 individuals, do you recall who told you to do that, or how you were selected for that school?

Mrs. JEFFERS. I was probably selected because I was a backward Marxist. Probably the chairman of the group instructed me that it would be good for me to attend this school. This is a directive, in other words.

Mr. TAVENNER. Do you now know who was the chairman of that group at the time when that occurred?

Mrs. JEFFERS. Yes, sir; that would have been Harold Sawyer.

Mr. TAVENNER. Proceeding again with this bookstore, when you went to the bookstore to procure documents for use at your party meetings, how did you know what documents to obtain?

Mrs. JEFFERS. All that I knew was what our educationals were scheduled to be, the educational discussions. However, the person in the store was aware of what would be good material for use for these educationals and also as they would suggest other materials of current events in the day or current international situation or situations in our own country. These were suggested to me. One had guidance in the store.

Mr. TAVENNER. They would be sold by the person in charge of the store?

Mrs. JEFFERS. I don't know whether he was in charge of the store, but he is the person with whom I had contact in the store.

Mr. TAVENNER. What was the name of that person?

Mrs. JEFFERS. His name was Ellis.

Mr. TAVENNER. He was known to you by the name of Ellis?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Over how long a period of time did you know that person under that name?

Mrs. JEFFERS. A couple of years.

Mr. TAVENNER. Several years?

Mrs. JEFFERS. I would say a couple of years.

Mr. TAVENNER. Mr. Chairman, testimony has been introduced here by Dr. Patten that the person operating that bookstore was Ellis Colton. I think we will be able to introduce testimony later showing that he was the manager of the store.

Mrs. JEFFERS. I would say in addition that our transaction of selecting literature for the club did not take place in the open store.

Mr. TAVENNER. Yes; tell us about that.

Mrs. JEFFERS. We went into the basement where there was a large library, shelves were lined, so you just did not go into the store and buy your literature in the regular cash transaction.

Mr. TAVENNER. Not right across the counter?

Mrs. JEFFERS. That is right. You went down, and this was more or less privately done.

Mr. TAVENNER. Was this area that you have described open generally to the public?

Mrs. JEFFERS. No, no.

Mr. TAVENNER. It was there in this secret area that you were advised what to get and given what you should have?

Mrs. JEFFERS. Yes. You paid for the literature that you secured last week and picked up the literature for this week.

Mr. TAVENNER. Do you have any knowledge how this person by the name of Ellis knew what books to furnish you at the particular time?

Mrs. JEFFERS. I have no knowledge. I can only make an assumption.

Mr. TAVENNER. I do not ask you to do that.

But you do state, as I understand, that he knew what you were to receive?

Mrs. JEFFERS. He knew the educational program of the professional sections. If we had something special that was not going on in the other section, then we told him, we want to do an educational on whatever, and then he would select books for us, but very often the section was pursuing the same educational course, the same general training, and he would be familiar with that.

Mr. TAVENNER. In the course of your obtaining those books from time to time in the way that you said you did, did you see literature directors from other professional sections there?

Mrs. JEFFERS. I do not recall having done so.

Mr. TAVENNER. Did you turn over to an investigator of this committee books and literature which you received from Mr. Ellis at the bookstore, the International Book Store, Inc.?

Mrs. JEFFERS. Yes.

All of it, however, I did not receive from Mr. Ellis at the book-store; some of it I did, some of it when I was not literature director I purchased at club meetings, but it had always come from the book-store.

Mr. TAVENNER. I referred to Mr. Ellis. I meant a person whose first name was Ellis.

I will ask Mr. Wheeler, investigator for the committee, to produce the books. I believe possibly he can assist better.

I have here a book entitled "The Soviets," by Albert Rhys Williams. Will you examine it and state whether or not it is one of the books that you received?

Mrs. JEFFERS. Yes, it is.

Mr. TAVENNER. Political Affairs, a magazine devoted to political affairs and to the theory and practices of Marxism.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Editor, Max Weiss; V. J. Jerome, associate editor.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Another volume of Political Affairs of September 1948, the 14th National Convention in the Communist Party, U. S. A.

Mrs. JEFFERS. That, too.

Mr. TAVENNER. The National Question in the Soviet Union, by M. Chekalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The United States and the Soviet Union.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. A Textbook of Dialectical Materialism, by David Guest.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Wage, Labor, and Capital by Karl Marx, International Publishers, New York.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Proletarian Revolution and Renegade Koutsky, by V. I. Lenin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. On the Party, by Liu, Shao-ch'i, Foreign Language Press, Peking, 1950. That is one of the Chinese publications you referred to?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Volume 4 of the Little Lenin Library, What Is To Be Done, by V. I. Lenin, published by International Publishers.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. China Fights for Peace, is that another document? It is edited by the Foreign Language Press, Peking, 1950.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Twilight of World Capitalism, by William Z. Foster.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The 15th National Convention, Communist Party, U. S. A., Organize a Peaceful Front for the People; Political Affairs publication, February 1951.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Marxism pamphlet No. 3, George Dimitroff, United Front Against Fascism.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Marxist Liberal No. 2, Marxism Versus Liberalism, by Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. V. I. Lenin, Two Tactics of Social Democracy in the Democratic Revolution.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Volume 29 of the Little Lenin Library, Marxism and Revisionism, by V. I. Lenin and Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Foundations of Leninism, by Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Outline of Political History of the Americas, by William Z. Foster.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Constitution of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here numerous other papers and documents, another one being On Organization, by J. Stalin, from the Little Stalin Library, and volume 19 of the Little Lenin Library.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here another pamphlet entitled "Mutiny—The Real Story of How the Navy Branded Fifty Fear-Shocked Sailors as Mutineers"; "America's Post-War Problems"; with a foreword by William Z. Foster.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. How Socialism Works, by John Starchey.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Numerous editions of Political Affairs; the Citizen Writer, by Albert Maltz.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Ideas They Cannot Jail, Eugene Dennis.

That is all that I will take time to produce.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. While we are still on the subject of Communist Party literature, while you were a member of the Communist Party, were you instructed to read any particular weekly or monthly publications of the Communist Party?

Mrs. JEFFERS. We were expected to read regularly the Daily People's World and Political Affairs, which was monthly.

Mr. TAVENNER. Do you know if the Communist Party had an intra-party paper?

Mrs. JEFFERS. Occasionally there was issued a leaflet, sometimes mimeographed and sometimes printed by the party, issued by the party, for educational use, directing our attention to certain problems and to the direct solution of them according to the party line.

Mr. TAVENNER. Did you deliver to the investigator of the committee several copies of that paper?

Mrs. JEFFERS. I think so.

Mr. TAVENNER. Will the investigator, Mr. Wheeler, please hand them to the witness?

Will you identify those, please, or do you identify them as copies?

Mrs. JEFFERS. I identify them as material which I received and which was to be used for educational purposes, published by the party.

Mr. TAVENNER. Mr. Chairman, I do not want to introduce these documents and records in evidence, but I would like to ask the witness, if it is agreeable to her, if the committee may retain possession of these documents long enough to make a study of them.

Mrs. JEFFERS. I would say so; yes; I have no objection.

Mr. TAVENNER. The paper entitled, "The Party Review," carried on its first page an article under the heading, "For Trade and Friendship with People's China." You say that these items were to be used in study work of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here among the papers you have turned over a paper which appears to be entitled, "Our Party," issued by national organization and education departments, Communist Party, United States of America, May 1951.

It seems to be devoted principally to the Negro question.

I think, Mr. Chairman, at this point, that I will ask the witness to step down and I would like to call another witness.

The CHAIRMAN. All right. The witness is excused at the moment.

Mr. TAVENNER. Mr. Ellis Colton.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELLIS. I so do.

TESTIMONY OF ELLIS COLTON, ACCCOMPANIED BY COUNSEL, NORMAN LEONARD

Mr. TAVENNER. Will you state your name, please sir?

Mr. COLTON. My name is Ellis Colton.

Mr. TAVENNER. Will you spell your last name, please?

Mr. COLTON. C-o-l-t-o-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. LEONARD. Norman Leonard, 241 Montgomery Street, a member of the Bar of the State of California and of the Supreme Court of the United States.

Mr. TAVENNER. When and where were you born, Mr. Colton?

Mr. COLTON. I was born in Chicago, Ill., on December 30, 1915.

Mr. TAVENNER. Where do you now reside?

Mr. COLTON. I now reside in San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mr. COLTON. I have lived in San Francisco since approximately March 1923.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. COLTON. Would you kindly advise me, Mr. Chairman, what your counsel means by formal education?

Mr. TAVENNER. What schools have you attended as part of your educational preparation?

Mr. COLTON. Educational preparation for what, Mr. Chairman?

Mr. TAVENNER. For any occupation that you may have later decided that you would enter upon.

Mr. COLTON. The education leading to my college degree was as follows: I am a graduate of Sutro Grammar School in San Francisco. I subsequently attended 6 months of Voll High School. I then transferred to Polytechnical High School in San Francisco from where I was graduated.

I then attended San Mateo Junior College in San Mateo, Calif., where I was graduated; then the University of California from which I received bachelor of arts degree. I subsequently took postgraduate work at the University of California.

Mr. TAVENNER. There has been testimony, Mr. Colton, that you operated the International Book Store, Inc., in San Francisco. The testimony has been taken at an executive session of the committee showing that a person acting in behalf of the committee purchased from the International Book Store on April 2, 1957, this document, entitled, "Soviet Union, 1957, No. 1 (83)."

(Document identified as "Committee Exhibit No. 1," was handed to the witness.)

Mr. TAVENNER. Will you examine it please and state whether or not the International Book Store was engaged in the selling of that document in April of 1957 or similar documents?

Mr. COLTON. Mr. Chairman, I should like to know the relevancy of this question and wonder whether it might be a desire on the part of this committee to introduce legislation into Congress to ban the sale of books.

The CHAIRMAN. No; that is not the purpose at all.

Proceed, Mr. Tavenner. Explain the relevancy of the question.

Mr. TAVENNER. Mr. Colton, at the opening of this hearing, the chairman announced he had made a report to Congress in 1956 at the end of the session, in fact the report is dated in January of 1957, with regard to the necessity for strengthening the provisions of the Foreign Agents Registration Act, so as to afford a more effective means of counterattacking the schemes and devices used in avoiding the prohibitions of the act with regard to the flow of political propaganda of a Communist origin into this country.

The chairman announced that that was one of the subjects which would be considered at this hearing and that is the matter I am directing to your attention at this time. That is the general subject of the matter I am inquiring about at the moment.

I do not see why it is necessary that you should question me regarding the pertinency of that document in light of the announcement of the subject, but if you desire further clarification as to the pertinency, I will be glad to try to answer your questions about it.

In other words, it seems that I am now the person being questioned rather than you.

Mr. COLTON. It is my understanding from a reading of the Supreme Court decision in the Watkins case that it is the duty of this committee to make the purpose of its questions indisputably clear provided the witness does not understand it.

Mr. TAVENNER. Yes; provided the witness does not understand it and provided the questions are not perfectly plain on their face and the pertinency does not seem apparent to the witness. Do you still state that you do not understand the pertinency of the question?

Mr. COLTON. I shall consult with my counsel.

Mr. TAVENNER. I want to know whether you understand it, and not your counsel.

Mr. COLTON. I want to discuss with my counsel my legal rights on that question, sir.

When you have completed your statement of clarification involved, I will move on to the next problem involved here; of answering the question.

Mr. TAVENNER. Are you satisfied as to the pertinency of the question?

Mr. COLTON. No, sir. It is not a question of my being satisfied as to the pertinency of the question at all.

Mr. TAVENNER. Then why did you ask me about it, to explain it? Is this just a game you are playing? I thought you wanted—

Mr. COLTON. Which question do you want me to answer?

Mr. TAVENNER. I thought you wanted to know the pertinency of the question. Now you say it is not a question of your being satisfied as to the pertinency, so I say I think I am entitled to conclude that you are just playing a game with the committee.

The CHAIRMAN. Proceed, Mr. Tavenner. It is perfectly obvious what it is.

Mr. COLTON. I wish to respectfully say that I am not playing any game. I am merely trying to assert my rights as I understand them to be.

The CHAIRMAN. Maybe I can clarify this situation. We have been studying for some time the advisability of recommending to the Congress the enactment of legislation extending the scope of the Foreign Agents Registration Act.

The paper or magazine which you have just been shown has come into the United States in large quantities, literally tons of it along the Atlantic seaboard. It finds its way into the hands of people who do not subscribe for it or buy it, and quite obviously it is a propaganda medium.

What we would like to know is whether or not you sold this magazine, how you got it, where it came from, and whether you had been distributing it free as is the case in New York, Philadelphia, Baltimore, and elsewhere.

Now, Mr. Tavenner, proceed with the questioning as to where it came from and so on.

Mr. TAVENNER. With that explanation of the subject matter and the pertinency of this inquiry, I will ask you whether or not the International Book Store in April was engaged in the selling of the magazine that I exhibited to you.

(The witness conferred with his counsel.)

Mr. COLTON. Sir, I refuse to answer the question on the following grounds: In view of Congressman Walter's statement that it is for the purpose of effecting legislation concerning the sale of books or magazines, I feel that such sale—

The CHAIRMAN. May I interrupt at that point?

We are not concerned with the sale of books or magazines. We are concerned with the distribution of Communist propaganda and nothing else. I hope you have not misunderstood me.

Mr. COLTON. Sir, the thing that was presented to me was a magazine. Where it comes from was not the question involved to my mind.

The CHAIRMAN. Take a shortcut then. Did you ever see this magazine before?

Mr. COLTON. I have seen it right now, sir.

The CHAIRMAN. Did you ever see it before?

Mr. COLTON. Sir, this is a matter of books, which is involved, which is protected by the first amendment. Whether it is a Communist book or any other kind of book, it is still a book.

The CHAIRMAN. Did you ever see that magazine before?

Mr. COLTON. Sir, I am answering the previous question and with your indulgence I would like to finish my statement in answer to Mr. Tavenner's question.

The CHAIRMAN. Mr. Tavenner withdrew his question. I am asking a few questions. Did you sell that particular magazine to anyone?

Mr. COLTON. Sir, I object to the question that is being posed to me for the following reasons: One of the announced purposes of this hearing is to secure evidence as a basis for legislation to outlaw the Communist Party of the United States.

This is clearly an illegal purpose, since article I, section 9 of the United States Constitution forbids Congress from legislating a bill of attainder. I will not be a party to a conspiracy on the part of this committee or any group to gather evidence to perform an illegal act.

Secondly, since the United States Supreme Court in 1945 held, in the Schneiderman case, that a study of the Communist Party literature and activities should lead a reasonable person to believe that the Communist Party aims by peaceful, democratic, and constitutional means, the reference by the chairman of this committee to a Communist conspiracy is vague and untrue.

This decision in 1945 has been given additional strength by Judge Harlan's decision this past Monday, freeing 5 California Smith Act victims and ordering new trials for 9 others.

Thirdly, I challenge the authorizing resolution for this committee, citing the following statement from Chief Justice Warren's majority decision in the Watkins case this Monday:

It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"? What is that single, solitary "principle of the form of government as guaranteed by our Constitution"?

And further:

Combining the language of the resolution with the construction it has been given, it is evident that the preliminary control of the committee exercised by the House of Representatives is slight or nonexistent. No one could reasonably deduce from the charter the kind of investigation that the committee was directed to make.

Further, from Chief Justice Warren's decision:

The final source of evidence as to the "question under inquiry" is the chairman's response when petitioner objected to the questions on the grounds of lack of pertinency. The chairman then announced that the subcommittee was investigating "subversion and subversive propaganda." This is a subject at least as broad and indefinite as the authorizing resolution of the committee, if not more so.

Fourthly, since the United States Congress is forbidden by the first amendment of the Constitution from legislating in the fields of speech, press, assembly, and association, this committee has no authority for investigating in these areas.

I recognize, as did Chief Justice Earl Warren in the Watkins case, that it is the duty of a citizen to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. However, I also recognize, as the Chief Justice did, and the committee apparently does not, that this obligation on the part of a citizen has a correlative obligation on the part of the committee to respect the constitutional rights of witnesses.

The Chief Justice further said, that:

The Bill of Rights is applicable to investigations as to all forms of governmental action.

This committee apparently does not recognize the first amendment, which is the cornerstone of the Bill of Rights. I do, and I insist on my rights under it. In fact, in considering the powers of this very committee in the Watkins case, Chief Justice Warren said:

Nor can the first amendment, freedom of speech, press, religion, or political belief and association be abridged.

Fifthly, since these hearings are being televised in defiance of the Rules of the House of Representatives and the opinions of the Speaker of the House, Hon. Sam Rayburn, I do not wish my answering this question to involve myself in any conspiracy to violate the Rules of the House of Representatives.

The CHAIRMAN. The Chair is not aware that there is any such rule.

Mr. COLTON. If the committee is interested in action to subvert the United States Congress, I suggest they investigate the overt acts of an intimidation of Negroes in the Southern States.

The CHAIRMAN. Now you are directed to answer the question.

Mr. COLTON. I understand by your direction, sir, that you do not accept the first amendment rights as I have indicated them in my brief statement.

The CHAIRMAN. You did not refuse to answer the question. You merely objected to the question and after having heard your speech, I directed you to answer the question.

Mr. COLTON. I take it, sir, that my objection, sir, has been overruled?

The CHAIRMAN. I am directing you to answer the question.

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objections based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the Supreme Court of the United States and even refuses to recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself rely on the fifth amendment of the United States Constitution.

Believing myself innocent of any wrong, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as the guilty.

The CHAIRMAN. Then, I understand that you refuse to answer the question by invoking the fifth amendment; is that right?

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objection based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the United States Supreme Court and even refuses to

recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself rely on the fifth amendment of the Constitution of the United States.

Believing myself innocent of any wrongdoing, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as for the guilty.

Mr. SCHERER. Mr. Chairman, we have in this country and we have had for some time the Foreign Agents Registration Act which has been held constitutional by the courts. The Foreign Agents Registration Act requires the labeling of political propaganda coming into this country—foreign political propaganda.

The Bureau of Customs which is charged with determining what constitutes political propaganda under the Foreign Agents Registration Act, has previously testified before this committee that this particular magazine, and that is my best recollection of that testimony, comes under the Foreign Agents Registration Act and must be stamped as such as required by that act.

I think the committee, Mr. Chairman, is recommending the strengthening of that act, because there has been abundance of testimony that that act has been violated by the Communists throughout this country, and that there has come into this country literally hundreds and hundreds of tons of political propaganda from Soviet countries or Iron Curtain countries that have violated the Foreign Agents Registration Act, namely, that such literature and propaganda is not labeled as political propaganda as required by the act. We certainly have a right to ask this witness whether or not this magazine which he sold has been sold in violation of that act.

I have looked through that exhibit and it is not labeled in accordance with the present requirements of the Foreign Agents Registration Act. I am going to ask this witness a question after that explanation:

Would you look at the magazine and tell us whether it is so marked?

Mr. COLTON. Mr. Congressman, do you have the compulsion, the power to compel me to look at an exhibit?

Mr. SCHERER. I think I do, yes, and I ask that you direct the witness to look at the magazine which he sold in violation of the Foreign Agents Registration Act.

The Congress is empowered to investigate and determine whether the Foreign Agents Registration Act is being violated.

The CHAIRMAN. Do not bother. The fact of the matter is, it is not stamped.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, from what source you acquired the document presented to you which is marked "Committee Exhibit No. 1."

Mr. COLTON. Mr. Chairman, I refuse to answer the question on the following grounds: One of the announced purposes of this hearing is to secure evidence as a basis for legislating to outlaw the Communist Party of the United States.

The CHAIRMAN. May I interrupt you at this point? Are you going to read the same thing you read before? You can merely say, "I object for the reasons as heretofore stated," without reading it all over.

Mr. COLTON. When your counsel, Mr. Chairman, insists in asking questions of a similar character of the one previously asked, which I answered, I must continue to answer the same question in the full sense that he asks this question.

The CHAIRMAN. Are you going to read that all over again? Go ahead.

Mr. COLTON. One of the announced purposes of these hearings is to secure evidence as a basis for legislation to outlaw the Communist Party of the United States. This is clearly an illegal purpose since article I, section 9, of the United States Constitution—will the record please show that Congressman Scherer has left the stand at this point?

The CHAIRMAN. Let the record show that Congressman Scherer has left the committee room.

Mr. COLTON. Thank you. This is clearly an illegal purpose since article I, section 9, of the United States Constitution forbids Congress from legislating a bill of attainder.

I will not be a party to a conspiracy on the part of this committee or any group to gather evidence to perform an illegal act.

Secondly, since the United States Supreme Court in 1945 held in the Schneiderman case that a study of Communist Party literature and activities should lead a reasonable person to believe that the Communist Party aimed to achieve its aims by peaceful, democratic, and constitutional means, the reference by the chairman of this committee to a Communist conspiracy is vague and untrue.

This decision in 1945 has been given additional strength by Judge Harlan's decision of this past Monday, freeing 5 California Smith Act victims and ordering new trials for 9 others.

Thirdly, I challenge the authorizing resolution for this committee citing the following statement from Chief Justice Warren's majority decision in the Watkins case this Monday:

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This is a subject at least as broad and indefinite as the authorizing resolution of the committee, if not more so.

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I recognize, as did Chief Justice Earl Warren in the Watkins case that it is the duty of a citizen to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action.

However, I also recognize as the Chief Justice did, and this committee apparently does not, that this obligation on the part of a citizen has a correlative obligation on the part of the committee to respect the constitutional rights of witnesses.

The Chief Justice further said that—

The Bill of Rights is applicable to investigations as to all forms of governmental action.

This committee apparently does not recognize the first amendment which is the cornerstone of the Bill of Rights.

I do, and I insist on my rights under it. In fact, in considering the powers of this very committee in the Watkins case, Chief Justice Warren said:

Nor can the first amendment freedoms of speech, press, religion, or political belief and association be abridged.

Fifthly, since these hearings are being televised in defiance of the rules of the House of Representatives and the opinions of the Speaker of the House, Sam Rayburn, I do not wish by answering this question to involve myself in any conspiracy to violate the rules of the House of Representatives.

Finally, may I suggest that if the committee is interested in actions designed to subvert the United States Constitution that they investigate the overt acts of murdered and intimidated Negroes in the Southern States desiring to exercise their constitutional rights of voting in Federal elections.

Mr. MCINTOSH. Mr. Witness, you have been in this hearing room for several days, have you not? You have been here watching the proceedings?

[Witness nods head.]

Mr. MCINTOSH. Are you aware if you request the television camera not to take pictures of you that that request is respected?

Mr. COLTON. Pardon me, sir?

Mr. TAVENNER. I think the record should disclose the conference between the witness and his counsel on a question of that type.

Mr. LEONARD. As far as counsel is concerned, counsel has no objection to the record showing that constant conferences are engaged in between counsel and client.

Does the committee object?

The CHAIRMAN. Of course the committee does not object.

Mr. LEONARD. Then, I take it we may proceed?

The CHAIRMAN. Go ahead.

Mr. COLTON. First, sir, I wish to state that my name was thrown on the television and mentioned on the television screen yesterday by a witness and today by a witness without my being advised or consulted at all. And secondly, according to yesterday's San Francisco News, when a witness asked to have her picture cut off, the television camera continued to have her picture on the screen in violation of your own rules.

The CHAIRMAN. That is not the fact.

Mr. COLTON. Pardon me, sir?

Mr. MCINTOSH. In my experience on this committee, to my knowledge, no one has had his picture taken by a television camera who requested that it not happen. If you so desire now, why do you not say so now instead of giving speeches about it?

If you want the cameras taken off you, speak to the cameraman.

Mr. COLTON. I was subpenaed here by you, Mr. Chairman, by the committee.

The CHAIRMAN. You were subpenaed by the committee. I am merely an agent of the United States doing what is to me, a very distasteful job. It is not my committee, and I have nothing to do except what I am doing now.

Mr. MCINTOSH. The other comment I would like to make, in directing you to answer this question, is that the committee has decided that the pertinency of the question has been adequately explained and we are defying no one. We are merely making a ruling.

The CHAIRMAN. Will you answer the question now? You are directed to answer the question.

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objection based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the United States Supreme Court and refuses to recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself, rely upon the fifth amendment of the Constitution of the United States.

Believing myself innocent of any wrongdoing, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as the guilty.

Mr. SCHERER. You said believing yourself innocent of any wrongdoing. Then tell us why you violated the Foreign Agents Registration Act and did not label that book.

Mr. COLTON. I should like to consult with my counsel.

I should like to ask the Congressman who addressed the question to me as to who said I violated the Foreign Agents Registration Act.

Mr. SCHERER. I said so, because the book does not comply with the Foreign Agents Registration Act.

Mr. COLTON. I shall consult with my counsel.

Sir, if it is your belief that I have violated any Federal law, it is your responsibility to report that to the Department of Justice for prosecution and not to try me here before this committee.

Mr. SCHERER. We may do that. [Applause.]

The CHAIRMAN. May I again remind you that you in the audience are here as the guests of this committee and that demonstrations one way or the other cannot be tolerated. If they occur again the hearing room will have to be cleared.

Maybe I can straighten out something. This is not a trial of any sort. A congressional committee is endeavoring to obtain information for the purpose of determining how we can strengthen our Republic against the things that are happening in other places at the moment.

Among other things is this question of the registration under the law that Mr. Scherer called to your attention. I tell you, as a matter of fact, that thousands of copies of this particular periodical and similar ones have gotten into the hands of all sorts of people, and it may well be that you could give us some information which would direct us on a course that would prevent information of this sort

from getting into the hands of naive people who do not realize what it is.

If you look at it—and I do not ask you to look at it, but there is nothing in that beautiful magazine—and it is a beautiful job, to indicate who the editor is, the associate editor, the art editor, the source of the material.

It is just a beautiful magazine, propaganda 100 percent, and, significantly enough, there are no pictures of East Berlin or these other Utopias in it. These beautiful shots were taken, designed to make people think that Russia is something that it is not.

You can help us by telling us whether or not you had that magazine, and how it came into your possession.

Mr. SCHERER. The magazine contains no advertising.

May I supplement what you said, Mr. Chairman, namely, that this committee does not pretend that by law it could prevent or wants to prevent the circulation of that magazine. The purpose is to compel compliance with the Foreign Agents Registration Act so that people who get it and read it know where it comes from.

That is the purpose of the Foreign Agents Registration Act, to stamp it, so that people know where it comes from and can recognize it then as propaganda. It gives the reader, then, the opportunity to know where it comes from and what it is.

The CHAIRMAN. That is a very expensive piece of work without 5 cents' worth of advertising in it. Somebody pays for it. Do you want to answer the question? Did you have that in your possession for sale?

Mr. TAVENNER. Mr. Chairman—

The CHAIRMAN. Let him answer the question, Mr. Tavenner.

Did you have that magazine in your possession?

Mr. COLTON. In the first place, sir, you stated that it was not a trial, but the gentleman on your left accused me—

The CHAIRMAN. I am going to withdraw the question.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I think I should make this comment to you, Mr. Colton. You read very extensively from the decision of the Watkins case against the United States, but it is noted that you did not read the thing that is pertinent to this inquiry. It will be found near the bottom of page 33. You have read some of the material on that page, but not this. There, the Court said:

* * * it is the duty of the investigative body upon objection of the witness on grounds of pertinency—

And incidentally, you did raise that objection—

to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. To be meaningful, the explanation must describe what the topic under inquiry is and the connective reasoning whereby the precise questions asked relate to it.

That is the objection you raised. We explained in great detail the very items that the Court said should be explained to you and then, upon the completion of it, instead of your endeavoring to answer the question or say even that you were satisfied about the question of pertinency, you take the fifth amendment.

The CHAIRMAN. May I add that we feel that we have met the objection in the Watkins case and we feel that we ought to, in all fairness to the Supreme Court, let them have another look at that decision.

Mr. TAVENNER. Mr. Colton, I hand you and ask you to examine five other documents which have been shown in executive testimony before this committee to have been purchased from the International Book Store on April 2, 1957. That is the bookstore in San Francisco.

Committee Exhibit No. 2 is entitled "A Village Moves to Socialism"; "Supplement to 'China Reconstructs', No. 10, 1956." The article is by Sun Tan-Wei. It is published in Shanghai, China.

It does not bear the stamp or label required by the Foreign Agents Registration Act.

I present to you also, Committee Exhibit No. 3, entitled "Once More About the Historical Experience of the Dictatorship of the Proletariat." The article is published by a newspaper which I will spell: J-e-n-m-i-n-j-i-h-p-a-o, December 29, 1956. It is printed by the Foreign Languages Publishing House, Moscow, 1957.

Mr. SCHERER. Does that bear the Foreign Agents Registration Act stamp?

Mr. TAVENNER. There is no labeling under that act in this document.

The next document, Committee Exhibit No. 4, that I present to you is a newspaper, an issue of the newspaper, Moscow News, No. 13 (117), Wednesday, February 13, 1957, which was likewise purchased from the International Book Store in San Francisco. It bears no label as required by the Foreign Agents Registration Act.

I present to you also Committee Exhibit No. 5, a magazine entitled "People's China," October 20, 1956, which, according to testimony taken in executive session of the committee, was acquired in the same manner. It is published by the Foreign Languages Press, Peking, China.

I present to you the last document, Committee Exhibit No. 6, entitled "China Reconstructs," February 1957, volume VI, No. 2. It was printed in the People's Republic of China. It does not bear any of the labeling required by the act. There does appear in it this notation:

Please note change of address of our business office to: 40a Tung Huangcheng Ken, Peiping, China.

Mr. SCHERER. Mr. Tavenner, I have examined these, some of which were printed in Peking, China, and some of them in Moscow, Russia.

All of the publications are English, obviously not printed for consumption in the countries in which they were printed and, as you say, none of them bear the labels as required by the laws of this country.

Mr. TAVENNER. Will the witness please examine those documents?

Mr. SCHERER. May I also make this observation: None of them has any advertising in them, so the printing of them had to be subsidized.

Mr. TAVENNER. Will you examine those documents and advise the committee where the International Book Store acquired them?

Mr. COLTON. Mr. Chairman, am I directed to answer that question?

The CHAIRMAN. You are directed to answer the question; yes.

Mr. COLTON. Mr. Chairman, I could repeat my previous statement, but in consideration of the time element, I would like to merely state that I rest myself on the privileges and objections previously stated.

The CHAIRMAN. Including the fifth amendment?

Mr. COLTON. The whole, entire group of them.

The CHAIRMAN. Including the fifth amendment?

Mr. COLTON. Including the first amendment, the fifth amendment. The Supreme Court decisions.

The CHAIRMAN. The committee will recess.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

(Members of the committee present: Representatives Francis E. Walter, chairman, Gordon H. Scherer, and Robert J. McIntosh.)

The CHAIRMAN. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, as the witness saw fit to make a part of this record, a statement that some witness appearing earlier in the hearing was televised against her wishes after the chairman of the committee directed that it not be done, I made some investigation during the period of the recess and I was advised by the parties responsible for operating the camera that they did not televise that person while testifying, but after she had left the stand she walked across in front of the frame. It was through her act and not through theirs, that it occurred.

Mr. Colton, I hand you a photostatic copy of page 2 of the Daily People's World of March 17, 1953, and call your attention to an article called, 400 at SF Rally Honor Stalin as Foremost Champion of Peace, and underscored in red you will see the name of Ellis Colton, with a title after his name—that of manager of the International Book Store.

Was that a correct description of you as of the date of publication of that paper?

Mr. COLTON. Am I directed to answer that question, Mr. Chairman?

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. COLTON. Mr. Chairman, I could read the entire statement I have read already, but in consideration of the time element, I am wondering whether you would prefer that I merely indicate that I stand on all of the privileges, rights previously stated, the first amendment, the fifth amendment, and the Watkins decisions and all other pertinent remarks of my own.

Mr. TAVENNER. Mr. Colton, it is interesting to note from this article, aside from the question that I asked you, that in March 1953, after the death of Stalin that this large rally was held here in his honor.

According to the article, State Communist Party Chairman William Schneiderman set the tone for the meeting by labeling vilification of Stalin by the press and radio as "mass production of falsehood."

He also says "oceans of ink have been spilled to vilify him by a few detractors, but oceans of tears have been shed by people all over the world." Numerous other people spoke in endearing terms of Stalin and in very severe criticism of anyone who would vilify him.

According to this article, Ellis Colton, manager of the International Book Store, spoke briefly about Stalin's published writings.

Will you tell the committee please, whether, since the pronouncements in the Soviet Union by Khruschchev vilifying Stalin, the very opposite of which occurred here in 1953, there has been a similar trend of opinion within the professional cells of the Communist Party in San Francisco, if you know?

Mr. COLTON. Mr. Chairman, am I directed to answer that question?

The CHAIRMAN. Yes, you are directed to answer that question.

Mr. COLTON. Mr. Chairman, in reply to the counsel's question, I could read the statement previously read, but in consideration of the time problem, I state that I stand on the privileges, rights asserted therein with specific reference to the first amendment, the fifth amendment, the Supreme Court decisions, the House of Representative rulings and other pertinent material which I mentioned.

Mr. TAVENNER. I desire to offer the document into evidence, Mr. Chairman, and ask that it be marked, "Colton Exhibit No. 1."

The CHAIRMAN. It will be so marked and made a part of the record. (The exhibit referred to is as follows:)

COLTON EXHIBIT NO. 1

400 AT SF RALLY HONOR STALIN AS FOREMOST CHAMPION OF PEACE

SAN FRANCISCO, March 16.—The contributions of Joseph Stalin to the cause of world peace—as a teacher, an editor, and as a people's leader—were honored last night as more than 400 persons attended San Francisco's "Stalin and Peace" mass meeting.

Nailing "vilification" of Stalin by the press and radio as "mass production of falsehood," state Communist party chairman William Schneiderman set the tone for the meeting with his declaration: "Oceans of ink have been spilled to vilify him by a few detractors, but oceans of tears have been shed by people all over the world."

The death of the Soviet premier, Schneiderman declared, "is a loss to our country and our people as well as to all humanity."

Juanita Wheeler, San Francisco Negro community leader and Daily People's World staff member, was chairman of the well-received meeting, one of a number sponsored by the Daily People's World.

"The fight against fascism will not be won until the peoples of the world can insure peace all throughout the world," Mrs. Wheeler declared.

Speaking of Stalin as a student, teacher, and scholar, Dr. Holland Roberts recalled the young man Stalin who strode down the gauntlet of club-swinging Tsarist police "with a book under his arm."

"We will remember this man," said Dr. Roberts, "with a scholar's head, a worker's face, and the dress of a private soldier."

Al Richmond, Daily People's World executive editor, spoke of Stalin as an editor, as the founder of Pravda, "the most influential paper in the world today."

"The job of the people who appreciate Stalin's work is to see that the people are not deceived, entangled into lies, and thus drawn into war," Richmond said. He urged the building of The People's World in furtherance of that aim.

Ellis Colton, manager of the International Book Store, spoke briefly about Stalin's published writings, and the California Labor School chorus presented a portion of Dmitri Shostakovich's cantata, "Song of the Forest."

Mr. TAVENNER. Mr. Chairman, the committee has obtained by sub-pena duces tecum, a photostatic copy of a signature card at the American Trust Co., of San Francisco. I desire to hand the document to the witness and ask whether or not he sees first a resolution showing that Ellis Colton is the assistant treasurer as of September 8, 1948, and that it was a current signature card for purposes of identification of his name in the execution of checks in the same manner.

Mr. COLTON. Am I directed to answer that question, Mr. Chairman?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. COLTON. I could read the statement previously read, Mr. Chairman, but in consideration of the time problem, I state that I stand on the complete statement that I have read including reference to the first, fifth amendment, United States Constitution, House of Representatives decision, and other pertinent information therein.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Colton Exhibit No. 2."

The CHAIRMAN. It will be so marked and received.

(The exhibit referred to is as follows:)

COLTON EXHIBIT NO. 2

RESOLUTION AUTHORIZING SIGNING AND ENDORSING
CHECKS AND OTHER INSTRUMENTS

"RESOLVED, that AMERICAN TRUST COMPANY be, and it is hereby selected as a Depository of the funds of this Corporation, and that checks or drafts withdrawing said funds may be signed by any one of the following:

NAME	TITLE
1. <u>John Voich</u>	<u>Sec. Treasurer</u>
2. <u>Ellis Colton</u>	<u>Asst Treas</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

"FURTHER RESOLVED: that AMERICAN TRUST COMPANY is authorized to honor and pay any and all checks and drafts of this corporation signed as provided herein, whether or not payable to the person or persons signing them; and that checks, drafts, bills of exchange, and other evidences of indebtedness may be endorsed for deposit to the account of this corporation by any of the foregoing or by any other employee or agent of this corporation, and may be endorsed in writing or by stamp and with or without the designation of the person so endorsing.

"FURTHER RESOLVED: that the authority hereby conferred shall remain in force until written notice of the revocation thereof by the Board of Directors of this Corporation shall have been received by said depository at the office at which the account is kept; and that the certification of the secretary or an assistant secretary as to the continuing authority of this resolution and the persons authorized to sign and their signatures, shall be binding upon this corporation."

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors of this corporation at a meeting of said Board regularly held on the 8th day of Sept, 1948, and that said resolution is still in full force and effect.

I further certify that the signatures appearing on the reverse side of this card are the signatures of the persons authorized to sign for and on behalf of this corporation.

Witness my hand and the seal of this corporation this 8th day of Sept, 1948.

(SEAL)

John Voich
Secretary

International Book Store Inc.
Name of Corporation

COLTON EXHIBIT No. 2—Continued

1408
 ADDRESS 4400 Market St TELEPHONE Net 9793
San 3-2986

BUSINESS Book Store

BANK REFERENCE

ACCOUNT ARRANGED FOR BY

Rec. Clinton Brockhaus 0/1/55
 OPENED BY Clinton Brockhaus DATE SEP 1 1940 AMT. APPROVED BY Oliver

DATE CLOSED

AVERAGE BALANCE

REASONS FOR CLOSING

INTERNATIONAL BOOK STORE, INC.

(TYPE OR PRINT NAME OF CORPORATION HERE)

The above-named corporation, by its duly authorized officers, agrees that this shall be a COMMERCIAL account, and further agrees to be bound by, and that this account shall be subject to, the By-laws of AMERICAN TRUST COMPANY and all present and future amendments thereto, all resolutions, regulations, rules and practices now or hereafter adopted by American Trust Company with respect to accounts of similar character.

AUTHORIZED SIGNATURES

TITLE

John Vardis
Ellis Colton

Sec. Treasurer
Asst. Treasurer

BATED AT San Francisco DA # (12-42-444-6-CH-8796) CORPORATION

CALIFORNIA

Sept 1

1957

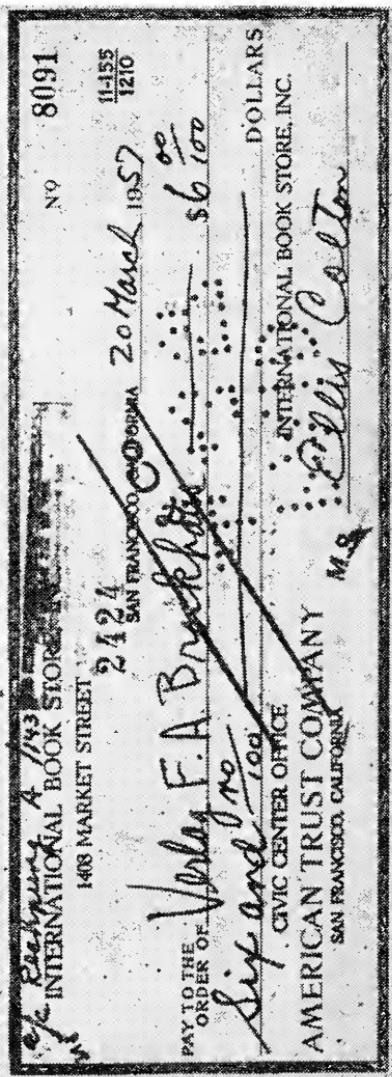
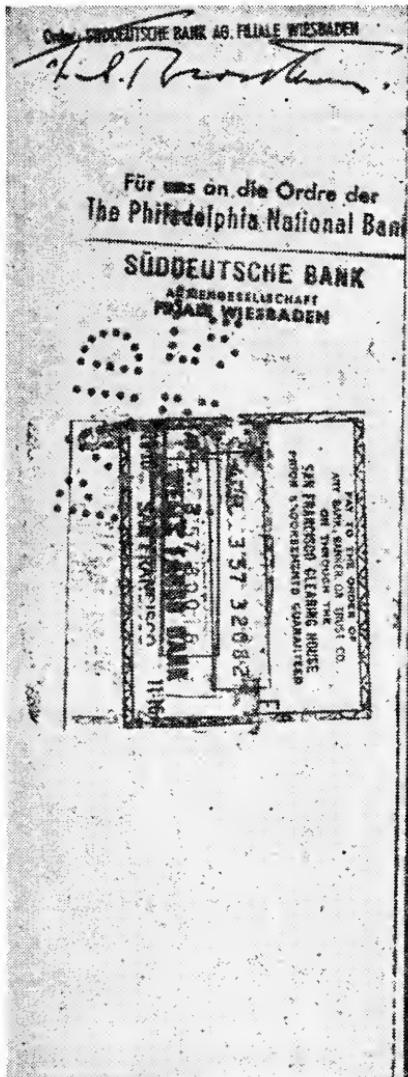
Mr. TAVENNER. Mr. Chairman, the committee also, by subpna duces tecum, obtained photostatic copies of certain checks of the International Book Store, Inc. I have one before me bearing date of March 20, 1957, payable to Verlag F. Brockhaus, endorsement shown on it that it was cashed in Wiesbaden, Germany.

I desire to offer the check in evidence and ask that it be marked as "Colton Exhibit No. 3."

The CHAIRMAN. It will be so marked.

(The exhibit referred to is as follows:)

COLTON EXHIBIT NO. 3



Mr. TAVENNER. Will you examine the check, please, sir, and state for what it was issued? What did you purchase with that check?

Mr. COLTON. Mr. Chairman, I give the same answer as I gave to the previous question.

Mr. TAVENNER. I desire to offer in evidence another check procured in the same manner. It is a check of the International Book Store, Inc., signed by Ellis Colton, bearing date March 12, 1957, payable to E. Marlborough & Co., Ltd., which check was cashed in England.

Will you examine the check, please, sir, and state for what purpose it was given? What did you purchase with it?

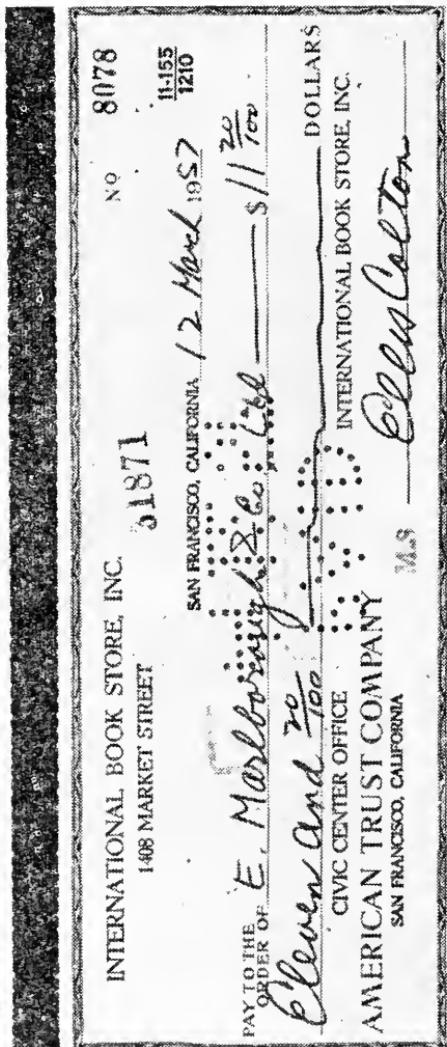
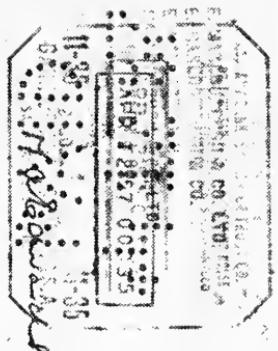
Mr. COLTON. The same answer, Mr. Chairman.

Mr. TAVENNER. I desire to offer it in evidence and ask that it be marked "Colton Exhibit No. 4."

The CHAIRMAN. It will be so marked and received.

(The exhibit referred to is as follows:)

COLTON EXHIBIT No. 4



Mr. TAVENNER. I hand you another check, similarly procured. It is a photostatic copy of it signed by Ellis Colton, bearing date March 7, 1957, payable to W. H. Smith & Sons, Ltd., which shows by endorsements that it was cashed in London. Will you tell the committee what you purchased with that check?

Mr. COLTON. The same answer as to the previous question.

Mr. TAVENNER. I hand you another photostatic copy of a check of International Book Store, Inc., signed by Ellis Colton, bearing date

March 12, 1957, payable to Central Books, Ltd., and which shows by the endorsement that it was cashed in London. Will you tell the committee, please, what you purchased with that check?

Mr. COLTON. The same answer, Mr. Chairman.

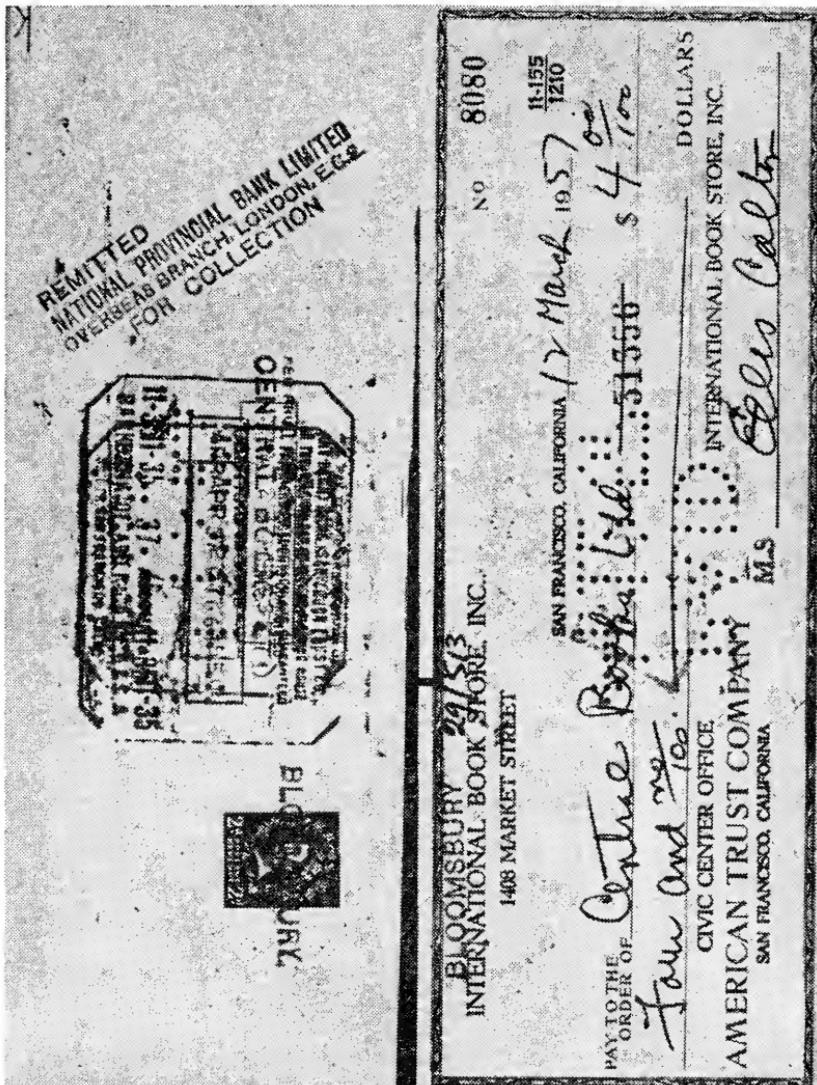
Mr. TAVENNER. I desire to offer the last two documents in evidence, Mr. Chairman, and ask that they be marked "Colton Exhibits Nos. 5 and 6," respectively.

The CHAIRMAN. They will be so marked.
(The exhibits referred to are as follows:)

COLTON EXHIBIT NO. 5

<p style="text-align: center;">REMITTED FOR COLLECTIONS BY HANOVER BANK LLOYDS BANK LIMITED OVERSEAS DEPARTMENT LONDON, ENGLAND</p> <p style="text-align: center;">RACK FOREIGN</p> <p>FOR AND ON BEHALF OF W. H. SMITH & SONS LTD DULY AUTHORIZED TO ISSUE CHEQUE NO. 2 NEW</p> <p style="text-align: center;">31888</p>		<p style="text-align: center;">No. 8067</p> <p style="text-align: center;">11-153 1210</p> <p style="text-align: center;">7 March 1957</p> <p style="text-align: center;">SAN FRANCISCO, CALIFORNIA</p> <p style="text-align: center;">INTERNATIONAL BOOK STORE INC.</p> <p style="text-align: center;">CIVIC CENTER OFFICE</p> <p style="text-align: center;">AMERICAN TRUST COMPANY</p> <p style="text-align: center;">SAN FRANCISCO, CALIFORNIA</p> <p style="text-align: center;">ONE HUNDRED AND ONE POUNDS ONE SHILLING ONE PENNY</p> <p style="text-align: center;">DOLLARS</p> <p style="text-align: center;">INTERNATIONAL BOOK STORE INC.</p> <p style="text-align: center;">CIVIC CENTER OFFICE</p> <p style="text-align: center;">AMERICAN TRUST COMPANY</p> <p style="text-align: center;">SAN FRANCISCO, CALIFORNIA</p> <p style="text-align: center;">ONE HUNDRED AND ONE POUNDS ONE SHILLING ONE PENNY</p> <p style="text-align: center;">DOLLARS</p>
<p style="text-align: center;">INTERNATIONAL BOOK STORE INC. 148 MARKET STREET</p> <p style="text-align: center;">PAY TO THE ORDER OF W. H. SMITH & SONS LTD</p> <p style="text-align: center;">One hundred and one pounds one shilling one penny</p>		

COLTON EXHIBIT NO. 6



Mr. TAVENNER. I hand you photostatic copy of another check, by International Book Store, Inc., signed by Ellis Colton, bearing date March 15, 1957, payable to the order of Chin Fen Bookstore, which shows by the endorsement that it was cashed in Singapore. Will you advise the committee what you purchased with that check?

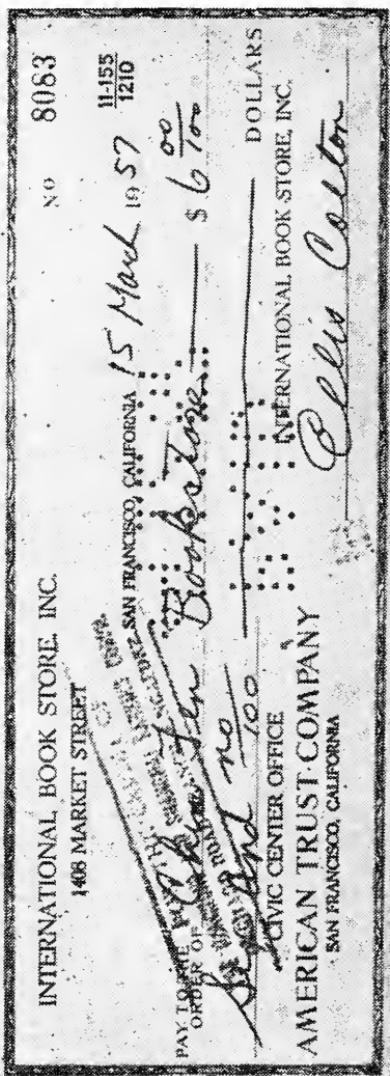
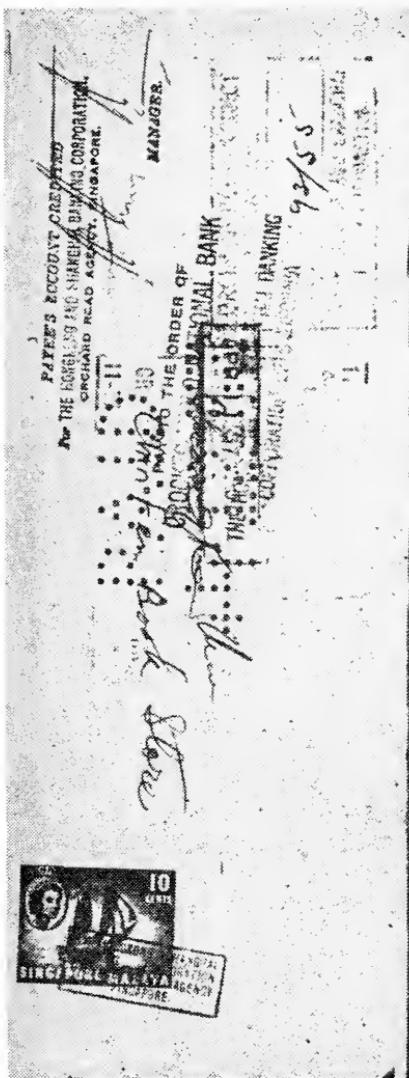
Mr. COLTON. The same answer as to the previous question.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked as "Colton Exhibit No. 7."

The CHAIRMAN. It will be so marked.

(The exhibit referred to is as follows:)

COLTON EXHIBIT NO. 7



Mr. TAVENNER. I present to you photostatic copies of 2 checks of International Book Store, Inc. signed by Ellis Colton, bearing dates March 29 and April 6, 1957, respectively, both payable to the order of the New Century Publishers, the first being in the amount of \$88.80 and the second in the amount of \$20.37. Will you advise the committee, please, what you purchased with those checks?

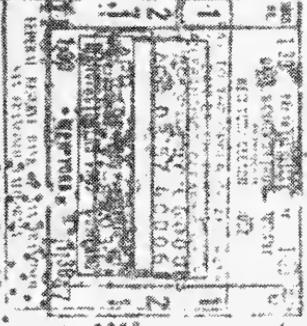
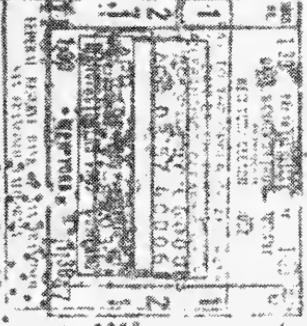
Mr. COLTON. The same answer, Mr. Chairman.

Mr. COLTON. The same answer, Mr. Chairman.
Mr. TAVENNER. I desire to offer them in evidence and ask that they be marked "Colton Exhibits Nos. 8 and 9," respectively.

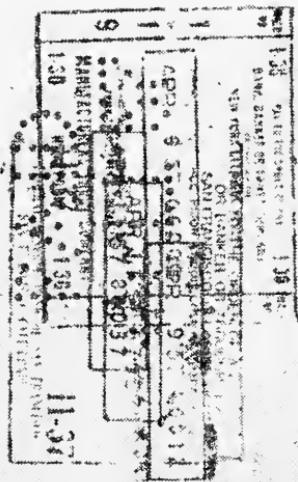
The CHAIRMAN. They will be so marked.

(The exhibits referred to are as follows:)

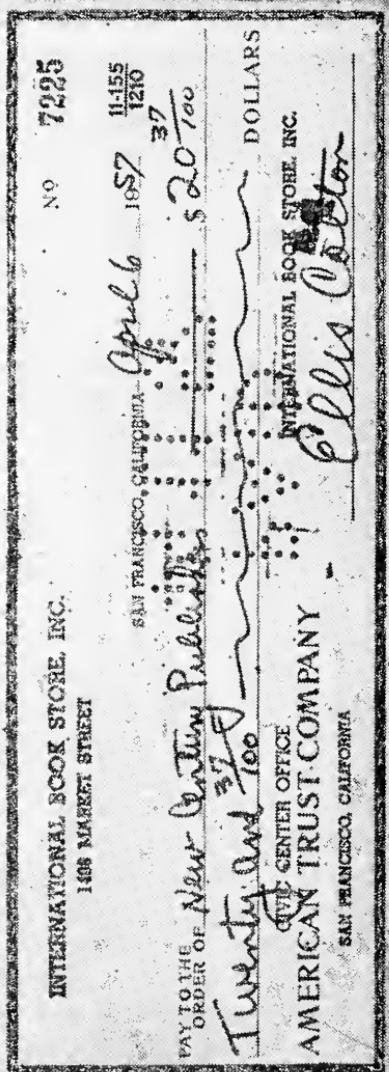
COLTON EXHIBIT No. 8

 <p>Mr. George C. Clegg</p>		<p>NO. 7204</p> <p>INTERNATIONAL BOOK STORE, INC.</p> <p>1408 MARKET STREET</p> <p>PAY TO THE ORDER OF <i>Mr. George C. Clegg</i></p> <p>Eighty-eight <i>88</i> <i>100</i></p> <p>AMERICAN TRUST COMPANY</p> <p>SAN FRANCISCO, CALIFORNIA</p> <p>INTERNATIONAL BOOK STORE, INC.</p> <p><i>George C. Clegg</i></p>
 <p>Mr. George C. Clegg</p>		<p>NO. 7204</p> <p>INTERNATIONAL BOOK STORE, INC.</p> <p>1408 MARKET STREET</p> <p>PAY TO THE ORDER OF <i>Mr. George C. Clegg</i></p> <p>Eighty-eight <i>88</i> <i>100</i></p> <p>AMERICAN TRUST COMPANY</p> <p>SAN FRANCISCO, CALIFORNIA</p> <p>INTERNATIONAL BOOK STORE, INC.</p> <p><i>George C. Clegg</i></p>

COLTON EXHIBIT NO. 9



At the order of New Century Publishers, Inc.
American Trust Company
New Century Publishers, Inc.
66



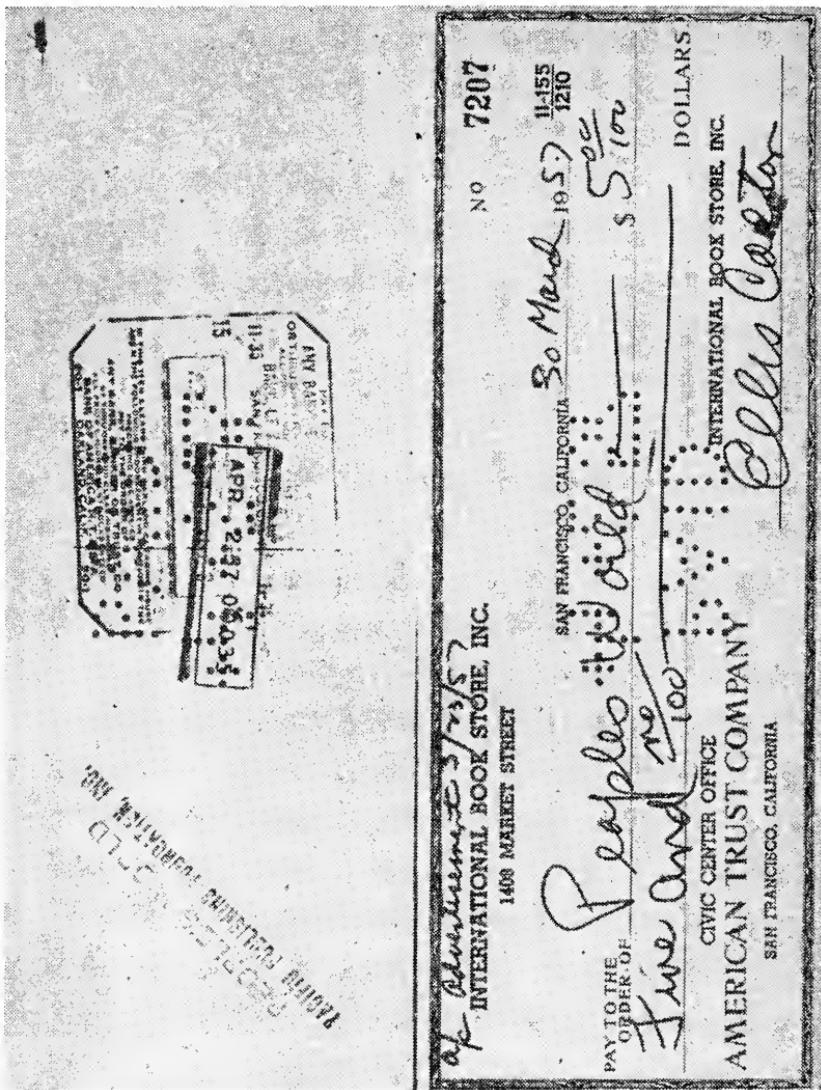
Mr. TAVENNER. I present to you a photostatic copy of a check of International Book Store signed by Ellis Colton, similarly acquired, bearing date of March 30, 1957, payable to the People's World for \$5. It is noted that it is on the advertising account. Will you examine it please, and state whether you ran advertising in the People's World?

Mr. COLTON. Same answer.

Mr. TAVENNER. I offer the document in evidence and ask that it be marked "Colton Exhibit No. 10."

(The exhibit referred to is as follows:)

COLTON EXHIBIT NO. 10



Mr. TAVENNER. Mr. Chairman, I would like at this time to offer in evidence a photostatic copy of the articles of incorporation of the International Book Store, Inc., filed on June 11, 1945, showing that the board of directors shall consist of three persons who need not be stockholders in this corporation, and that the names and addresses of the persons named to be and acting as the first directors of the corporation shall be as follows:

George Walker, George R. Andersen, John Voich.

I ask that the document be identified as "Colton Exhibit No. 11." The CHAIRMAN. All right.

Mr. TAVENNER. According to the charter, it is provided that 100 shares of common stock of no par value should be issued. Who are the owners of the stock in the International Book Store?

Mr. COLTON. Same answer.

Mr. TAVENNER. Are you one of the owners?

Mr. COLTON. Same answer.

(Colton Exhibit No. 11 retained in committee files.)

Mr. TAVENNER. Mr. Colton, do you now maintain a secret place in the bookstore, in the basement of the International Book Store, in which to confer with literature directors of the various groups of the Communist Party regarding the materials which should be furnished them?

Mr. COLTON. Same answer.

Mr. TAVENNER. A publication entitled "Contact" has been described, I believe, by Mrs. Jeffers, as an intraparty Communist paper.

I understand that I was mistaken. It is not Contact, but I have before me, however, a paper entitled "Contact": I have the August 1947 issue. In that issue I find an article by Ellis Colton, San Francisco County literature director. Were you literature director of the entire county? Possibly you would like to see this document.

Will you hand it to the witness and let him examine it, please?

Mr. COLTON. Same answer.

Mr. TAVENNER. I notice that the witness and counsel both handed the paper back without looking at it.

Mr. LEONARD. I looked at it.

The CHAIRMAN. What paper is that?

Mr. TAVENNER. It is a paper entitled "Contact," carrying an article over the name of Ellis Colton, San Francisco County literature director.

I quote from this article entitled, "How the 'Lit Agent' Can Lift the Level of Member's Understanding," which appears under your name:

For the past 6 months we have been striving to establish a stable literature apparatus in the San Francisco County branches. To do this, we have assigned one of the more experienced executive members, if possible, the educational director, to work with the literature director.

In nearly all of our clubs we now have literature directors, though in a few of the smaller ones the educational director serves also as literature director.

Our county literature depot is open for the 2 days prior to the regular club meeting day. This gives the literature director time to look over the material before the meeting.

Did you write that article?

Mr. COLTON. Same answer.

Mr. TAVENNER. I ask that the document be identified as "Colton Exhibit No. 12."

(Colton Exhibit No. 12 retained in the committee files.)

Mr. TAVENNER. I hand you a photostatic copy of The Worker, Sunday, July 18, 1948, and call your attention to an article entitled, "Qualitatively Increasing Use of Literature," by Ellis Colton.

Will you examine it please and state whether you made that contribution to the paper?

Mr. LEONARD. Will the record show that we will really examine it this time?

Mr. TAVENNER. I handed it to you for that purpose and I hope you will examine it.

Mr. LEONARD. We will examine it very carefully.

Mr. COLTON. The same answer.

Mr. TAVENNER. I ask that the document be identified as "Colton Exhibit No. 13."

(Colton Exhibit No. 13 retained in committee files.)

Mr. TAVENNER. I have before me the April 27, 1953, issue of the Daily People's World which carries an article entitled, "Talks on Imperialism, Egypt, at CLS."

The article refers to Ellis Colton, coordinator of the course. "Colton urged that interested persons be on hand for the class's first session, Tuesday at 8 p. m."

Will you examine that, please?

Mr. COLTON. Same answer.

Mr. TAVENNER. Were you connected with the California Labor School?

Mr. COLTON. Same answer.

Mr. TAVENNER. Will you tell the committee, please, if you know, what the size in membership was of the professional group of the Communist Party at any time in 1956, with which you might have been familiar?

Mr. COLTON. Same answer.

Mr. TAVENNER. If the testimony that we have heard here from Dr. Patten and Mrs. Jeffers is trustworthy, that you organized the distribution of the Communist Party literature to the literature directors of the various cells, if it is true as indicated in these articles that I have introduced in evidence that you were the literature director for the entire county, you would be in a position to know of the activities of the professional groups of the Communist Party at a very recent date, so I ask you first, whether you are now a member of the Professional Section of the Communist Party?

Mr. COLTON. Is that all?

Mr. TAVENNER. No; that is not all. That is all of that question.

Mr. COLTON. Insofar as the question is related to any statement by Dorothy Jeffers, I would like to state the following:

Dorothy M. Jeffers testified for the Government in the case of the Subversive Activities Control Board versus the California Labor School. She testified before a hearing officer, the Hon. Francis A. Cherry, former Governor of the State of Arkansas.

After she testified she was, of course, subjected to cross-examination. At the conclusion of the hearings Governor Cherry wrote a report and with respect to the testimony of Dorothy M. Jeffers, he recalled that her testimony was incredible in the following language:

One such witness, namely Dorothy M. Jeffers, under cross-examination was shown to be without recollection sufficient to place in point of time events and activities about which she had testified on direct examination.

She was unable to place even within a given year many such events of importance including her separation from the Communist Party. Also, her demeanor while testifying was such that engendered misgivings as to the general reliability of her testimony.

Taking into account her status as a paid informer for the Government, her complete lack of memory and admitted vagueness under cross-examination, and her demeanor on the stand, the presiding member is of the opinion that she is entitled to little or no credence and, accordingly, no findings are based upon her testimony.

This is from page 4, report and order of the board, decided May 21, 1957. In addition I wish to stand on the privileges and rights which I have previously read to the committee.

Mr. TAVENNER. Is Mrs. Jeffers' recollection insofar as her testimony relates to you, in any way uncertain or indefinite or in error?

Mr. COLTON. Same answer.

The CHAIRMAN. Did you sell her those books?

Mr. COLTON. Same answer.

Mr. TAVENNER. There has been nothing indefinite or uncertain about her testimony regarding you.

The CHAIRMAN. Mr. Tavenner, the record speaks for itself.

The committee will stand adjourned.

Mr. LEONARD. Is the witness excused?

The CHAIRMAN. Yes.

Mr. TAVENNER. Yes, sir; that is all I desire to ask.

The CHAIRMAN. The committee will stand adjourned to meet at 2 o'clock.

(Whereupon, at 12 noon, the hearing was recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, I believe it was the first witness, Mr. Kermish, who was given time to consider whether or not he would answer questions the committee asked him if procedures were taken to give him immunity.

I have just reported to you that his counsel has advised that there is some uncertainty as to what he would do, and in all probability he would not decide until the time came and might still resort to the fifth amendment. In light of that, may we discharge the witness?

The CHAIRMAN. Yes; the witness is discharged from further attendance under the subpена.

Call your next witness.

Mr. TAVENNER. Mr. Harvey Richards.

The CHAIRMAN. Raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RICHARDS. I do.

The CHAIRMAN. Proceed, Mr. Tavenner.

TESTIMONY OF HARVEY RICHARDS, ACCOMPANIED BY COUNSEL, FRANCIS J. McTERNAN, JR.

Mr. TAVENNER. What is your name, please?

Mr. RICHARDS. Harvey Richards.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. McTERNAN. Francis J. McTernan, 703 Market Street, San Francisco.

Mr. TAVENNER. When and where were you born, Mr. Richards?

Mr. RICHARDS. State of Oregon, 1912.

Mr. TAVENNER. Where do you now reside?

Mr. RICHARDS. The town of Atherton.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. RICHARDS. Since 1940.

Mr. TAVENNER. Has that been constantly since 1940?

Mr. RICHARDS. Substantially.

Mr. TAVENNER. What is your occupation or profession?

Mr. RICHARDS. My trade is that of a machinist. At the present time, I am writing.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. RICHARDS. My formal education ended in the ninth grade.

Mr. TAVENNER. Where did you live prior to 1940?

Mr. RICHARDS. Your question does not appear to be pertinent to the subject of inquiry announced at the commencement of these hearings. I wish you would explain to me how this question is pertinent. I refer to rule II of your rules of procedure, as well as to law which requires all questions to be pertinent.

Mr. TAVENNER. I will be glad to explain that. It is merely a preparatory question in order that the committee may know who you are, where you have been, in order to base proper questions to you.

Do you still object to telling us where you lived prior to 1940?

Mr. RICHARDS. Is this question relevant to any inquiry you are making here?

Mr. TAVENNER. Do you object to answering the question?

Mr. RICHARDS. I do, of course.

Mr. SCHERER. I ask that the witness be directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. RICHARDS. I decline to answer this question on the grounds of the protection afforded me under the fifth amendment.

The CHAIRMAN. Do you honestly believe if you told this committee where you resided before 1940, you might expose yourself to criminal prosecution? Do you honestly believe that?

Mr. RICHARDS. My answer is the same as before.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Richards, I hand you a circular entitled "Guatemala, Colombia, Costa Rica, Venezuela," under which appears this notation:

Harvey Richards went south with his Leica, penetrated * * * remote areas where guerrilla warfare flares, and brought back a 1957 pictorial record of American imperialism at work in Central and South America.

Will you examine the leaflet please and state whether or not it describes a program in which you took part?

Mr. RICHARDS. Will you explain the pertinency of this question to me, please?

Mr. TAVENNER. Were you present when the chairman of the committee read his opening statement at the beginning of the hearing?

Mr. RICHARDS. I was.

Mr. TAVENNER. Did you hear the opening statement that he made? Did you hear it?

Mr. RICHARDS. To the extent that the loud speaker allows me.

Mr. TAVENNER. Did you understand it? Did you hear it sufficiently well to understand what he said?

Mr. RICHARDS. I am sure that I understood it at that time although if you were to ask me what he said then I probably would not be able to tell you at this moment.

Mr. TAVENNER. Very well, I will call to your attention one of the matters which the chairman said would be given consideration at this hearing.

He advised those present including yourself that this committee had conducted hearings and had made recommendations to Congress in its report filed in January of 1957 regarding the need for a revision of the passport laws with regard to applicants who are members of the Communist Party or who conceal their former connections and associations with the Communist Party or its functionaries.

He advised you and I am now advising you that that is a subject which we are considering now.

It is true, of course, that the State Department does not at this time require a passport to South American countries so that there is no procedure by which a person who is a Communist, or who has been in association with Communist functionaries may be denied the right of travel as they would be if traveling to a European country. This committee is considering whether or not the hand of the Secretary of State should be strengthened by spelling out the congressional intent on this subject by statutory definition rather than leaving it to Executive orders of the President and regulatory provisions by the Secretary of State. That is the general subject.

If you want to know the pertinency and the connecting reasoning of the committee as to the pertinency of that question to the subject, it would be this, that if you were a member of the Communist Party, and you engaged in travel in South American countries as is indicated by the poster which I handed you, and if it was part of a propaganda scheme of the Communist Party, it would be pertinent to the subject that we are discussing. The language used there is that you were making a report on imperialistic actions of the United States in South America.

If at this time you were connected with the Communist Party, if the Communist Party played any part in that, it would be important for the committee to know it in connection with the matters that it is considering.

Now, will you answer the question?

Mr. RICHARDS. That question is one as to my beliefs and associations, and I believe it invades my rights under the first amendment to the Constitution.

Mr. TAVENNER. Just a moment. Do you recall what my question was?

Mr. RICHARDS. Repeat the question.

Mr. TAVENNER. I did not think you understood or recalled what it was.

My question was whether or not you engaged in the program as announced in that leaflet that I gave you.

Mr. RICHARDS. In view of your explanation of the pertinency of this question, it is obvious that this goes into the area of association, and I consider the first amendment applying.

The CHAIRMAN. You are directed to answer the question.

Mr. RICHARDS. I refuse to answer the question on the grounds of the fifth amendment.

Mr. TAVENNER. Did you engage in the foreign travel indicated in the leaflet which I handed you?

Mr. RICHARDS. The same answer.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. By saying "the same answer," do you mean you decline to answer for the same reasons you declined to answer the last question?

Mr. RICHARDS. I refuse to answer the question on the grounds of the first and fifth amendments.

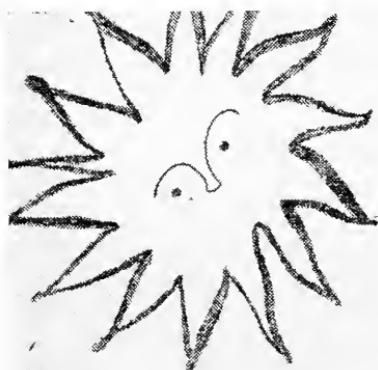
Mr. TAVENNER. Were any part of your expenses to South America paid by the Communist Party or by anyone on behalf of the Communist Party?

Mr. RICHARDS. My answer is the same as for the previous question.

Mr. TAVENNER. I desire to introduce the document into evidence and ask that the document be marked as "Richards Exhibit No. 1."

The CHAIRMAN. Let it be marked and made a part of the record. (The exhibit referred to is as follows:)

RICHARDS EXHIBIT NO. 1

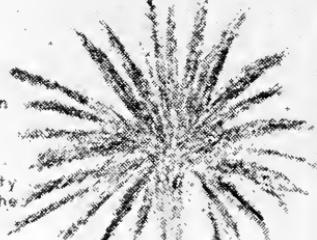


a late look at
OUR LATIN-AMERICAN
COLONIES

SUNDAY
MARCH 16

8pm -- 75¢

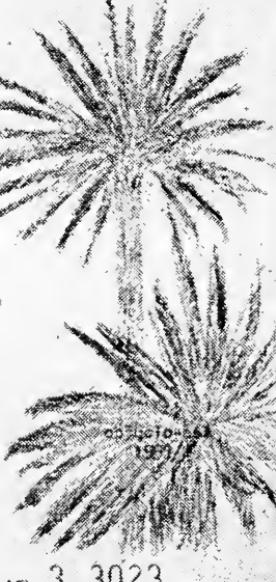
the best of Harvey Richards'
COLOR PICTURES PLUS COMMENTARY
-- a highland coffee plantation
north of Guatemala City
-- in Colombia, Cali, Bogota
(the capital), Ibagué, a city
under seige by guerrillas, the
"hot-spot" Cucuta . . .



SUNDAY
MARCH 17

8pm -- 75¢

United Fruit Company's Palmer
banana plantation (Costa Rica)
-- the company port of
Gatitito
-- scenes around Lake Maracaibo
(Venezuela) and a tour of a
big American oil refinery
-- Ciudad Bolívar, a trading
center



at 321 DIVISADERO ST.

un 3-3023

Mr. SCHERER. Mr. Tavenner, does that leaflet you have refer to Guatemala.

Mr. TAVENNER. Guatemala, Colombia, Venezuela, and Costa Rica.

Mr. SCHERER. Is there any date on that?

Mr. TAVENNER. Yes. I was just going to ask the witness about that.

It appears that the trip was taken in 1957. It says he brought back a 1957 pictorial record of American imperialism.

We have records indicating that this leaflet was circulated prior to March 8, 1957, so it is sometime between the first of 1957 and March 8. We would like to ask the witness what time in 1957 was it that you went to Guatemala, Colombia, Costa Rica and Venezuela?

Mr. RICHARDS. I refuse to answer the question on the grounds previously stated.

Mr. SCHERER. May I see that, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Professional cell or Section of the Communist Party in San Francisco at any time between January 1 and March 8, 1957?

Mr. RICHARDS. I refuse to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you engaged in travel outside the continental United States prior to January 1, 1957?

Mr. RICHARDS. Would you explain the pertinency of this question?

Mr. TAVENNER. Yes, it would only require the repeating of the same subject that I stated a few moments ago and the same question of matters with regard to pertinence.

Mr. RICHARDS. My answer is the same.

Mr. TAVENNER. By that you refuse to answer on the grounds of the first and the fifth amendments?

Mr. RICHARDS. You took the words right out of my mouth.

Mr. SCHERER. When did you go to Russia?

Mr. RICHARDS. What is the question?

Mr. SCHERER. When did you visit Russia?

Mr. RICHARDS. How is this pertinent to the inquiry?

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer.

Mr. RICHARDS. Repeat the question again.

Mr. SCHERER. When did you go to Russia?

Mr. RICHARDS. I have never been to Russia. [Applause.]

The CHAIRMAN. I must again remind you that we will clear the room if there are any further demonstrations.

Mr. SCHERER. Where else have you traveled other than these South American countries?

Mr. RICHARDS. What is the pertinency of this question?

Mr. SCHERER. The pertinency and objective have already been explained by the counsel. Mr. Chairman, I ask you to direct the witness to answer the question.

The CHAIRMAN. Yes, you are directed to answer the question.

Mr. RICHARDS. I would like to hear what Mr. Scherer just said.

Mr. SCHERER. I said pertinency has already been explained to you by counsel when he asked about your traveling in South America for the purpose of attacking the Government of the United States.

Mr. RICHARDS. Is the question that is directed at me that of asking me if I was traveling in order to attack the United States?

Mr. SCHERER. No, you asked me the pertinency of it and I explained to you what in my own mind I considered the pertinency of the question to be. My question to you was simply, Where have you traveled outside the United States other than in the South American countries?

Mr. RICHARDS. If this is pertinent for the same questions, then my answer is the same.

Mr. SCHERER. Then you mean you refuse to answer on the basis of the first and fifth amendments?

Mr. RICHARDS. Yes.

Mr. TAVENNER. I hand you a thermofax copy of a publication of the People's World of September 1944 entitled "Communists Elect Officers."

Will you examine it, please?

You will note under the list of members of the county committee, a name is underscored, which is Harvey Richards. Will you examine it please and state whether you are the Harvey Richards who was elected as a member of the county committee for the Communist Party in San Francisco?

Mr. RICHARDS. I decline to answer this question.

Mr. TAVENNER. May I have a direction that the witness be directed to answer the question?

The CHAIRMAN. You are directed to answer the question.

Mr. RICHARDS. I refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked as "Richards Exhibit No. 2."

The CHAIRMAN. Let it be marked and made a part of the record. (The exhibit referred to is as follows:)

RICHARDS EXHIBIT No. 2

[From the Daily People's World, Tuesday, September 19, 1944, (p. 4)]

COMMUNISTS ELECT OFFICERS

OLETA YATES NAMED PRESIDENT OF S. F. COUNTY ASSOCIATION

SAN FRANCISCO, September 18.—Officers elected for the ensuing year at yesterday's county convention of the Communist Political Association are:

President: Oleta O'Connor Yates.

Vice president: Rudie Lambert and John Pittman.

Secretary-treasurer: Clemmie Barry.

County committee, including officers above:

Charlotte Callahan, June Stevenson, Jack Patton, Henry Massey, Violet Orr, Ray Irvine, Archie Brown (on leave in Armed Forces).

Ann Stout, Virginia Lindbergh, Ernest Lavino, Herbert Resner, Jackie McNeil, Tom Boylan, Walter Stack, Paul Orr.

Ada Smolan, Dan Mah, Beatrice Kinkead, Mack Posey, Harvey Richards, Leon Kaplan, Margery Pogue, Mini Carson.

Al Yates, Bill Frierson, Lucy Balcomb, Henry Seigel.

Mr. TAVENNER. Mr. Richards, I have before me a thermofax copy of the issue of January 13, 1955, of the Daily People's World, which includes an article, the heading of which is "Labor School—'Open House' to Launch Eventful New Term."

There is an article headed "Latin America," and the paragraph under it reads as follows:

Other winter term offerings include "Latin American Independence and U. S. interests," a series of special forum sessions led by Harvey Richards opening Thursday, January 20.

Will you examine the document please and state whether it correctly reported your activities as of that date?

You will note that I have a pencil mark on the margin where I read a portion of the document.

Mr. RICHARDS. What is your question, sir?

Mr. TAVENNER. My question was whether or not the part which I read from that article correctly describes your participation in those matters at that time.

Mr. RICHARDS. My answer is the same as previously.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Richards Exhibit No. 3."

The CHAIRMAN. It will be so marked.

(Document marked "Richards Exhibit No. 3," retained in committee files.)

Mr. TAVENNER. Mr. Richards, one of those named with you in Exhibit No. 2 as a member of the county committee of the Communist Political Association in California 1944—in fact, I think he was elected vice president at that convention—was a person by the name of John Pittman.

Did John Pittman participate with you in any of the forums conducted by you regarding issues in South America?

Mr. RICHARDS. Your question relates to exhibit No. what?

Mr. TAVENNER. No. 2; the exhibit that I handed you which gave the names of the officers and committee members of the CPA elected at the convention held in San Francisco, in September, 1944.

It showed Oleta Yates as president and John Pittman as one of the vice presidents. It is Exhibit No. 2.

Mr. RICHARDS. I would like to look at that document.

Mr. TAVENNER. Yes, sir.

(Document handed to the witness.)

Mr. TAVENNER. You will find there the name of Oleta Yates as president and you will find two names there as vice presidents.

Mr. RICHARDS. The same answer.

Mr. TAVENNER. Were you a member of the Professional Section of the Communist Party at the time of the publication of Exhibit No. 3, which is January 13, 1955?

(Document handed to the witness.)

Mr. RICHARDS. The same answer.

Mr. TAVENNER. Are you a member of a professional cell or group of the Communist Party at this time?

Mr. RICHARDS. I refuse to answer the question on the grounds of the first and fifth amendments.

Mr. TAVENNER. In what Communist activities have you engaged in San Francisco since the publication or announcement of your election to the county committee on September 19, 1944?

Mr. RICHARDS. The same answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

Mr. RICHARDS. There is enough of the taxpayers' money being spent here. I prefer not to sign the voucher.

The CHAIRMAN. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mrs. Mary Scott Shepardson.

Mr. McTERNAN. She requests enforcement of the rule that there be no TV on her. In view of the fact that the Speaker of the House of Representatives has said that it is against the Rules of the House to televise these sections and in view of the fact that the television cameramen refused to comply with your order to shut off, and I personally observed that breach by watching the TV myself, I request that all cameras be turned off.

The CHAIRMAN. You are requested not to televise the witness.

Mr. McTERNAN. I request in view of the history of that and that the cameras be made off, and that the klieg lights be turned off while this witness testifies.

The CHAIRMAN. We are going to have the lights on and we are going to make sure that the witness is not televised.

Mr. McTERNAN. I don't know if that is satisfactory. I don't want a half-way measure. The last time you saw it happen, the witness was half televised and half not televised.

Do you issue such orders to the cameramen?

The CHAIRMAN. Yes.

Mr. McTERNAN. I will be assured that no television will be placed upon my client whatsoever?

The CHAIRMAN. Yes. Call your witness.

Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SHEPARDSON. I do.

TESTIMONY OF MARY THYGESON (SCOTT) SHEPARDSON, ACCOMPANIED BY COUNSEL, FRANCIS J. McTERNAN, JR.

Mr. TAVENNER. Will you state your name, please?

Mrs. SHEPARDSON. Mary T. Shepardson.

Mr. TAVENNER. What was your maiden name?

Mrs. SHEPARDSON. Thygeson.

Mr. TAVENNER. Were you ever known by the name of Mary Scott?

Mrs. SHEPARDSON. What is the relevancy of that question?

Mr. TAVENNER. A matter of identification of you.

Mrs. SHEPARDSON. Are you referring to the Mary Scott whom your informer testified about this morning?

Mr. TAVENNER. Yes.

Mrs. SHEPARDSON. In view of that, I must decline to answer on the basis of the first and fifth amendments.

Mr. TAVENNER. You will not admit that you have gone by the name of Mary Scott?

Mrs. SHEPARDSON. The same answer.

Mr. TAVENNER. Have you gone by any name other than the two names that you have given, Mary Shepardson and I am not certain that I recall the other that you gave, your maiden name. Will you give us the name again?

Mrs. SHEPARDSON. Thygeson.

Mr. TAVENNER. Spell it, please.

Mrs. SHEPARDSON. T-h-y-g-e-s-o-n.

Mr. TAVENNER. Have you used any name other than those two names?

Mrs. SHEPARDSON. What is the relevancy of that question?

Mr. TAVENNER. May I ask a direction?

The CHAIRMAN. You are directed to answer the question.

Mrs. SHEPARDSON. According to the ruling of the Supreme Court, I am entitled to an explanation of the pertinency of that question.

Mr. TAVENNER. I told you it is a matter of identification of you.

Mrs. SHEPARDSON. I have identified myself.

Mr. TAVENNER. Have you been married more than once?

Mrs. SHEPARDSON. I think that violates the rule of the confidence between husband and wife.

Mr. TAVENNER. No, a matter of marriage is not a confidential matter. I think anyone will admit marriage. There is certainly no incrimination in being married.

Mrs. SHEPARDSON. I am referring to the rule of the committee about confidence between husband and wife.

Mr. TAVENNER. I have not asked for any confidential communication and I would not, and I never have.

Mrs. SHEPARDSON. I have been married once.

Mr. TAVENNER. I hand you a book entitled, "History of the Communist Party of the Soviet Union," with the word "Mary" written on the flyleaf. Will you examine it, please?

Have you ever seen it before?

Mr. McTERNAN. May I examine it before you go on?

Mr. TAVENNER. Certainly. Will you answer the question, please?

Mrs. SHEPARDSON. I think that this question comes into the area of free speech and I shall decline to answer the question.

Mr. TAVENNER. Not free speech. I asked if you had seen it.

Mrs. SHEPARDSON. The right to read.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. Do you understand the question? It is whether or not you had ever seen the book. What is your answer?

Mr. McTERNAN. Are you directing her to answer the question?

The CHAIRMAN. Yes, she is directed to answer the question.

Mrs. SHEPARDSON. I decline to answer this question on the grounds of the first amendment, and since that does not seem to be sufficient for this committee, I will also rely on the fifth amendment.

Mr. TAVENNER. Was the name "Mary" appearing on the flyleaf written by you?

Mrs. SHEPARDSON. The same answer.

Mr. TAVENNER. Did you recruit Mrs. Dorothy Jeffers into the Communist Party? Possibly I should change that question. Did you solicit her membership in the Communist Party?

Mrs. SHEPARDSON. I will give you the same answer to that question.

Mr. TAVENNER. Were you a member of the Professional Section of the Communist Party with her, that is, Mrs. Jeffers? The question may be misleading. I understand that that is not correct.

I will ask you if you were a member of the Communist Party any time between 1942 and 1945?

Mrs. SHEPARDSON. The same answer.

Mr. SCHERER. Does that include the invocation of the fifth amendment?

Mrs. SHEPARDSON. That includes the first amendment. Would you like me to read them?

The CHAIRMAN. We know them pretty well. We have heard them so often.

Mr. SCHERER. Are you a member of the Communist Party today?

Mrs. SHEPARDSON. I will give the same answer.

Mr. TAVENNER. Were you assigned any particular type of activity in the Communist Party?

Mrs. SHEPARDSON. I will give the same answer for that one.

Mr. TAVENNER. I see according to the January 6, 1948, edition of the People's World, that at that time you were vice president of the NAACP. Is that correct?

Mrs. SHEPARDSON. May I ask if the National Association for the Advancement of Colored Persons is under inquiry by this committee. I know it is in certain parts of the United States, particularly in the South.

Mr. TAVENNER. No; it is not. On the contrary, this committee has had evidence from a number of different places regarding persons who were in the NAACP and who were members of the Communist Party. There is one situation that the committee developed in Hawaii where we found that the chapter there had become so subject to the control of the Communist Party that the national organization withdrew the charter of that local and kicked that group out of the NAACP. We are not investigating the NAACP, but we have information that members of this professional group were assigned as part of their duties to numerous mass organizations. We find you occupying a very responsible position in a mass organization. I would like to know whether or not you were encouraged to join the work of that group by the Communist Party and whether you were a Communist Party member at that time. That is two questions, so let me straighten it out.

I first asked you the question a moment ago whether you were the vice president of the NAACP in January of 1948.

Now, answer that question, please. Then I will follow it with others.

Mrs. SHEPARDSON. I decline to answer that question, both parts of that question.

Mr. TAVENNER. I have not asked you both parts of that question.

Were you the vice president of the NAACP in January of 1948?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and the fifth amendments.

Mr. TAVENNER. Do you not think that is an unjust reflection upon the NAACP?

Mrs. SHEPARDSON. I think it is rather unjust to make it appear that I do not have the right to use the first or the fifth amendment without it reflecting on my organizations that I belong to. I belong to a great many organizations that I do not intend to tell you about.

Mr. TAVENNER. Is the Communist Party one of them?

Mrs. SHEPARDSON. I belong to many highly respectable organizations.

Mr. TAVENNER. Now, I will ask you the question of whether or not you were a member of the Communist Party in January of 1948?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Are you now a member of a professional group of the Communist Party?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Dr. Evelyn Siris.

Mr. DELANY. I would like to clarify 1 or 2 things if you do not mind.

Mr. TAVENNER. I do not think so.

Mr. DELANY. It has to do with televising these proceedings. I just sent out and got the last issue—

The CHAIRMAN. Are you a witness?

Mr. DELANY. No, I am an attorney; my name is Elmer P. Delany.

This question is directed to you, Mr. Congressman. I have just sent out and got the latest edition of the San Francisco News. I have not been in constant attendance upon this committee's meetings. I came in twice for brief periods. Perhaps the answers are already in the record; but, before I can advise my client, I want to hear whether they are in the record.

At the time the last witness came forward with her counsel, I think the chairman told the committee that it is beyond the control of the chairman of the committee and it is a responsibility of the city hall.

The CHAIRMAN. Are you complaining about your client being televised? Are you complaining or objecting?

Mr. DELANY. I am objecting to the televising.

The CHAIRMAN. Then I will ask the television people. Will you please assist the committee by not putting the camera on the witness?

Mr. DELANY. I want no televising. I heard this morning when I came into here that one witness passed in front of the television camera and was televised. I want to be sure that the television cameras are off.

I understand, if the papers quote the Speaker of the House correctly, that all broadcasting of these proceedings are banned under rules of the House of Representatives. Is this correct or not?

The CHAIRMAN. I do not know anything about it.

Will you point out the rule that you say is being violated?

Mr. DELANY. The rule that the Speaker is referring to.

The CHAIRMAN. What is the rule?

Mr. DELANY. I do not know the numbers. There are many laws and I have not yet caught up with all of the rules of the House. If this is contrary to the rule, I think that this committee, proceeding in an orderly way, should proceed in accordance with the Rules of the House of Representatives.

I presume that the chairman of this committee is familiar with those rules. I ask that this rule be observed and the Speaker of the House not be snubbed by this committee, and if there are—

The CHAIRMAN. I am sure that the Speaker will be very glad that you are taking this position in his defense.

Mr. DELANY. I know the Speaker so perhaps—

The CHAIRMAN. Call your witness.

Mr. DELANEY. Only after you have given me assurance that there will be no broadcasting and televion.

The CHAIRMAN. I have no control over the broadcasting.

Mr. DELANY. Who has the control?

The CHAIRMAN. Whoever is in charge of this building.

Dr. DELANY. Who specifically has control? I cannot address my request, if you cannot tell me who.

The CHAIRMAN. Will you call your witness?

Mr. DELANY. I want a reply.

Mr. TAVENNER. Dr. Evelyn Siris.

Mr. DELANY. I want the record to show that if there is any broadcasting or defiance of the Rules of the House—

The CHAIRMAN. Will you raise your right hand, please?

Do you swear that any testimony that you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SIRIS. I do.

TESTIMONY OF DR. EVELYN SIRIS (MRS. LAWRENCE ARNOLD LEVITAN), ACCCOMPANIED BY COUNSEL, ELMER P. DELANY

Mr. TAVENNER. Doctor, will you state you name, please?

Dr. SIRIS. Evelyn Siris.

Mr. TAVENNER. Will you spell it, please?

Dr. SIRIS. S-i-r-i-s.

Mr. TAVENNER. S-i-r-i-s?

Dr. SIRIS. Yes.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. DELANY. Yes, I have already. My name is Elmer P. Delany, member of the bar of the State of California.

Mr. TAVENNER. Dr. Siris, was your name also Mrs. Lawrence Levitan?

Dr. SIRIS. Yes, it is.

Mr. TAVENNER. It is now?

Dr. SIRIS. Yes, it is.

Mr. TAVENNER. In other words, you have a professional name. Your professional name is Dr. Evelyn Siris?

Dr. SIRIS. Yes, sir.

Mr. TAVENNER. But you are also Mrs. Lawrence Levitan, is that correct?

Dr. SIRIS. Yes, that is correct.

Mr. TAVENNER. You are engaged in the practice of medicine in the city of San Francisco?

Dr. SIRIS. Yes.

Mr. TAVENNER. How long have you been engaged in the practice of medicine?

Dr. SIRIS. In the city of San Francisco?

Mr. TAVENNER. Yes.

Dr. SIRIS. Since 1944.

Mr. TAVENNER. Did you practice prior to that time?

Dr. SIRIS. Yes, I did.

Mr. TAVENNER. Where?

Dr. SIRIS. In Milwaukee.

Mr. TAVENNER. Did you come to California in 1944?

Dr. SIRIS. Yes, I did.

Mr. TAVENNER. How long did you practice medicine in Milwaukee?

Dr. SIRIS. About 3 or 4 months.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been in preparation for your profession?

Dr. SIRIS. Well, I went to high school and college and medical school.

Mr. TAVENNER. I am sorry, but I could not hear you.

Dr. SIRIS. Grammar school, college, and medical school.

Mr. TAVENNER. Where did you attend college?

Dr. SIRIS. The University of Chicago.

Mr. TAVENNER. Where did you take your medical course?

Dr. SIRIS. The University of Chicago.

Mr. TAVENNER. When did you complete your medical training?

Dr. SIRIS. I am trying to remember. I believe it was 1938, but I am not sure.

Mr. TAVENNER. Doctor, the committee has been investigating the extent, character, and objects of Communist Party activities within the professions here in San Francisco. I will want to ask you about your knowledge of the activities of that group, if you have any knowledge of it. First, I desire to ask you whether you are at this time a member of the Professional Section of the Communist Party in San Francisco?

Dr. SIRIS. On advice of counsel, I object to being questioned by this committee or its counsel for the following reasons: That the committee is not pursuing its legislative purpose.

Two, that the resolution of the House of Representatives purported to authorize this hearing is not proper and not in accordance with the principles of law laid down in recent cases before the United States Supreme Court.

Three, that neither I nor my counsel have had an opportunity of reading in full the two recent Supreme Court decisions because the text thereof has not been available and we have had to refer to newspaper articles.

Four, on advice of counsel, which I adopt, this hearing is being conducted for the purpose of exposure and exposure alone and not for any legislative purpose.

Five, that apparently the only reason for these hearings is to expose me and others to publicity and ridicule.

Six, that this hearing is in derogation of my rights under the Constitution and in derogation of my right of freedom of speech, which are in areas in which Congress is prohibited to make a statement.

Seven, that the committee has been and is attempting to require witnesses subpoenaed to appear before it to testify against themselves under the due process of law as provided by the fifth amendment of the Constitution which reads as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Eight, I object to being interrogated which reads as follows—

Mr. TAVENNER. It is very difficult for the reporter to get what you are saying. Will you speak a little louder, please?

I believe if you go more slowly we can hear better.

Dr. SIRIS. I would likewise object to being interrogated by this committee under all provisions of the first amendment of the Constitution of the United States which reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Nine, I also avail myself of the immunities extended in the 6th, 8th, 9th, and 10th amendments of the Constitution of the United States.

Mr. TAVENNER. Will you tell the committee, please, how many persons composed the medical group of the Professional Section of the Communist Party.

Dr. SIRIS. What is the pertinency of this question?

Mr. TAVENNER. The pertinency has already been explained in the preliminary statement I made to you as to the subject under investigation. If anything further need be said as to pertinency of the question, I think it would only be necessary to say that in order to understand the seriousness of the situation as brought about by having supersecret cells of the Communist Party within the professionals, the matter of strength and number is very pertinent to the subject.

I believe, Mr. Chairman, that is all it should be necessary for me to say.

Dr. SIRIS. Does the chairman direct me to answer that question?

The CHAIRMAN. Yes, you are so directed.

Dr. SIRIS. I object on all of the nine grounds that I have just read to the committee. Do you wish me to read them again?

Mr. TAVENNER. No, indeed, I am certain it will be satisfactory to the committee for you to say for the same reasons that you previously assigned when you refuse to answer the questions.

Is that what you are intending to do?

Dr. SIRIS. Yes, sir.

Mr. TAVENNER. Will you tell the committee, the primary purposes of the medical group of the Communist Party?

Dr. SIRIS. The same answer as to the prior question.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. SIRIS. I am not a member.

Mr. TAVENNER. You are not. Were you a member of the Communist Party in 1956?

Dr. SIRIS. On the advice of counsel, I resort to the nine reasons I have previously read.

Mr. TAVENNER. If you are relying on the same ground, that will be sufficient, and you do not have to read them again.

If you are not a member of the Communist Party now and you will not answer my questions as to 1956 on the ground, among others, that it might tend to incriminate you, what has occurred since January 1, 1957, which necessitates or calls for the wide difference in answer to the question as to your Communist Party membership now and in 1956?

Dr. SIRIS. I object to the form of the question which is assuming something that is not in evidence, secondly, I urge each and every one of the previous nine objections which I read.

Mr. TAVENNER. Your first objection is wrongfully taken, because there is evidence before this committee of your prior membership in the Professional Section of the Communist Party, that section which was composed only of doctors, nurses, and technicians. That was the testimony of Dr. Patten, so I am not proceeding on an assumption.

Let me ask you this.

Mr. DELANY. Have you dropped your question?

Mr. TAVENNER. I did not ask a question then. I made a reply to the statement that she made.

Mr. DELANY. Is she allowed to reply, or her counsel, to that?

Mr. TAVENNER. If she desires to make any remark.

Mr. DELANY. In my opinion there is no such evidence and on that she is basing her objections. You may disagree with me but I disagree with you.

Mr. TAVENNER. The record speaks for itself as to what evidence is before the committee.

Did you have any dispute with the membership of the Communist Party regarding Communist activities in Hungary since January 1, 1957?

Dr. SIRIS. In the interest of time, I rely on the nine objections as previously stated.

Mr. TAVENNER. By objections, I assume that you mean that you decline to answer the questions.

Dr. SIRIS. I mean I decline to answer and I will reread them, if you wish me to.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Mr. TAVENNER. Dr. Sol Bineman.

The CHAIRMAN. Will you raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BINEMAN. I do.

TESTIMONY OF DR. SOL (SOLOMON) BINEMAN, ACCOMPANIED BY COUNSEL, LLOYD E. McMURRAY

Mr. TAVENNER. What is your name, please?

Dr. BINEMAN. Dr. Sol Bineman.

Mr. TAVENNER. Spell your last name.

Dr. BINEMAN. B-i-n-e-m-a-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. McMURRAY. I am Lloyd E. Murray, 785 Market Street, San Francisco.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. BINEMAN. I was born in New Jersey in 1910.

Mr. TAVENNER. What is your present place of residence?

Dr. BINEMAN. San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. BINEMAN. Continuously since 1925.

Mr. TAVENNER. What is your profession?

Dr. BINEMAN. I am a dentist.

Mr. TAVENNER. How long have you been engaged in the practice of dentistry?

Dr. BINEMAN. Since 1935.

Mr. TAVENNER. Will you tell the committee please, what your formal educational training has been for the practice of your profession?

Dr. BINEMAN. My educational training was, after high school, University of California, College of Physicians and Surgeons from which I received a degree of DDS.

Mr. TAVENNER. When did you receive your degree?

Dr. BINEMAN. 1935.

Mr. TAVENNER. Where have you practiced dentistry in the State of California since that date?

Dr. BINEMAN. Continuously in San Francisco.

Mr. TAVENNER. Doctor, there has been testimony here indicating the existence in the city of San Francisco of an organized group of professional men consisting of doctors, solely of doctors.

I am not certain what name it had, other than a professional cell of the doctors. There was one also for the lawyers. We have heard the name of it, it is the Haymarket cell of the Communist Party. As to doctors, we have not heard its name. The committee does not know how many doctors are in that cell now. We do not know the full purposes of it.

Information has indicated that various members of the professional groups of the Communist Party, including the doctors, have been assigned to specific Communist Party tasks.

Will you tell the committee, please, what knowledge you have at this time of the assignment of professionals to special work in the Communist Party, professional people?

Dr. BINEMAN. I refuse to answer that question.

Mr. TAVENNER. May I have a direction that the witness be directed to answer that question?

The CHAIRMAN. You are directed.

Dr. BINEMAN. I refuse to answer it. I will not answer any questions about these associations, my political or religious beliefs, and any other personal and private affairs. I base this refusal on the provisions afforded me and any citizen by the first amendment of the Constitution, the due process clause of the fifth amendment, and the guarantees against having to testify against myself.

I fail to recall where the fifth amendment in its testimony clause has anything to say about "incrimination." I would like to remind you that a recent unanimous decision of the Supreme Court has this to say:

The privilege serves to protect the innocent who might otherwise be ensnared by ambiguous statements.

It further states that—

Too many people, even those who should be better advised, too readily assume that those who invoke it are guilty of a crime—

and the Justices go on to say that—

they can think of no special circumstance that would justify the use of constitutional privilege to discredit or convict a person.

Mr. TAVENNER. Doctor, is it not true that you were very active in the fund-raising drive of the Daily People's World back as early as 1945 in obtaining subscriptions and aiding that paper financially?

Dr. BINEMAN. When was that published?

Mr. TAVENNER. It was published on August 3, 1945, and I desire, Mr. Chairman, to offer a photostatic copy of the article as "Bineman Exhibit No. 1."

Mr. McMURRAY. May I see that?

Mr. TAVENNER. Just a moment. I am going to read it.

The CHAIRMAN. It may be marked as "Exhibit No. 1."
(Bineman Exhibit No. 1 retained in committee files.)

Mr. TAVENNER. The article is entitled, "Your World Today, San Francisco Shows How To Do a Job on Fund Raising Drive."

In the body of the article appears this language:

In the \$750 quota class, none can hold a candle to Richmond. They have reached 110 percent and are now really girding themselves to do the same thing with their subquota. Top honors go to S. Bineman—

and then others are named.

Other clubs and committees are doing quality work with hard plugging pace-setters, leaving off * * * North Beach, with hard-working—

so and so, and other persons mentioned.

I hand you the article and ask you to examine it and state whether or not the work referred to as having been done at Richmond has reference to work done by the Richmond Club of the Communist Party.

I think you will find a red pencil mark indicating the paragraph where that reference appears.

Dr. BINEMAN. Does this committee usurp the powers to inquire into the activities which go into the publishing of daily newspapers?

Mr. TAVENNER. It is not an inquiry into the newspaper. It is an inquiry as to the activities of the Communist Party. We are not investigating the newspaper.

Dr. BINEMAN. Are you asking about the Communist Party or are you asking about funds to help publish a newspaper?

Mr. TAVENNER. My question is whether or not the reference I read to you with regard to Richmond reaching 110 percent has reference to the Richmond Communist Party Club or a Communist Party club called Richmond? If you will read the fourth line, you will see your name mentioned, which means that you should be well qualified to answer that question.

Dr. BINEMAN. Mr. Tavenner, Richmond and all of the qualifications after it indicates a subdivision of San Francisco. It may also indicate a city in California and I see no reference here to the Communist Party.

Mr. TAVENNER. If you read it in the context in which it appears, you will see the very next paragraph starts out by saying, "Other clubs"

and so on. Does that not mean to you that it is speaking of Richmond in the sense of a club of the Communist Party?

Dr. BINEMAN. It also says in the same sentence, "and communities." I don't know whether Richmond is a club or a community.

Mr. TAVENNER. You say you do not know whether Richmond is the name of a club in the Communist Party?

Dr. BINEMAN. I do not know what this means at the moment.

Mr. TAVENNER. Was Richmond the name of the Communist Party club?

Dr. BINEMAN. I refuse to answer on the same grounds I have given before and any question relating to political activities, et cetera. And also on the grounds of the fifth amendment.

Mr. TAVENNER. Do you know that that reference to the article mentions Richmond club?

Dr. BINEMAN. I refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. The document refers to top honors going to S. Bine-man. What top honors were those? It says, "In the \$750 quota class."

Dr. BINEMAN. Same answer.

Mr. TAVENNER. You know all about the Richmond group that this article is talking about, do you not?

Dr. BINEMAN. Same answer.

Mr. TAVENNER. That was back in 1945, Doctor. What about the present day? Are you today a member of the Professional Section of the Communist Party composed of members of the medical profession, nurses, and technicians?

Dr. BINEMAN. The same answer to this question as I have given to previous questions.

Mr. TAVENNER. Will you advise the committee, if you know, what the size of the membership is in that group?

Dr. BINEMAN. Same answer.

Mr. TAVENNER. Mr. Chairman, I have no further questions.

The CHAIRMAN. The witness is excused and the committee will take a short recess.

(Witness excused.)

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Dr. Asher Gordon, will you come forward, please.

Mr. MACINNIS. We would like to ask that the television apparatus be turned off pending a ruling by the committee.

Mr. TAVENNER. Otherwise you do not object to the television? I do not quite understand.

Mr. MACINNIS. He wishes to make a basic objection to being televised.

Mr. TAVENNER. If he just objects to televising, that is the end of it; he will not be televised; it needs no argument.

Mr. MACINNIS. Perhaps, I should clarify his position.

Mr. TAVENNER. It needs no clarification. If he says no television, there will be none.

Mr. MACINNIS. He realizes you will not photograph him if he objects to it, but he objects to a part of a situation in which other things are televised even though he is not, and that is why I wanted to clarify

the objection; not that I wish to speak unduly, but I just wanted to tell you that that is his position.

The CHAIRMAN. The committee will request that the television people cooperate with the committee and I am sure that they will.

Call your witness, please, Mr. Tavenner.

Mr. TAVENNER. Dr. Asher Gordon.

The CHAIRMAN. Doctor, will you raise your right hand? Do you swear the testimony you will give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. GORDON. I do.

**TESTIMONY OF DR. ASHER GORDON, ACCCOMPANIED BY COUNSEL,
JAMES MARTIN MacINNIS**

Mr. TAVENNER. Mr. Chairman, I think it is understood that he desired that there be no television.

The CHAIRMAN. It is understood that the witness desires that he not be televised.

Dr. GORDON. Is my voice going out over the air, at this time?

Mr. TAVENNER. No; I do not know.

Dr. GORDON. Can you find out?

Mr. TAVENNER. I think it is going to the press, to members of the press, and it may be going out.

Dr. GORDON. I did not mean the radio. As I understand TV, it is sound and vision together. As I understand it now from what I have seen in the past week, the sounds of my voice are going out over television and this I object to for the following reason: I should think that your committee would wish this witness the maximum amount of composure as he testifies as best he can to your questions. I do not think that the 10,000 or 50,000 eyes cast upon me or the ears listening to my voice grant me the proper kind of setting which I should think this committee would be most zealous to guard. That is my objection and I would like to make it for the record.

Mr. TAVENNER. Will you state your name, Doctor?

Dr. GORDON. Asher Gordon.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MACINNIS. My name is James Martin MacInnis, San Francisco.

Mr. TAVENNER. When and where were you born, Dr. Gordon?

Dr. GORDON. I was born on October 8, 1916, in the city of Dayton, Ohio.

Mr. TAVENNER. Where do you now reside?

Dr. GORDON. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. GORDON. Since 1944.

Mr. TAVENNER. Your profession is medicine?

Dr. GORDON. That is correct.

Mr. TAVENNER. Are you a general practitioner?

Dr. GORDON. I am a specialist in internal medicine.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Dr. GORDON. Following high school, I went to Ohio State University where I earned my bachelor of arts. I went to medical school at the

Johns Hopkins School of Medicine in Baltimore. I took a year of internal medical training in the Boston City Hospital in Boston, and I took a year of residency in medicine at the Johns Hopkins Hospital in Baltimore. Then, I entered the service. That was the end of my formal training.

Mr. TAVENNER. How long were you in the military service?

Dr. GORDON. Two years.

Mr. TAVENNER. When were you discharged?

Dr. GORDON. In 1946.

Mr. TAVENNER. Since that time, you have been engaged in the practice of medicine here in San Francisco?

Dr. GORDON. That is correct.

Mr. TAVENNER. Doctor, the committee has been inquiring regarding the extent, character, and objects of Communist activities of a professional group of the Communist Party in the area of San Francisco and in other places. The committee has learned through testimony that there was until recently at least such an organized group composed solely of doctors. I want to ask you whether or not you know of the present existence of such a group?

Dr. GORDON. What do you advise me?

Mr. MACINNIS. My advice is—

Mr. TAVENNER. My suggestion is that if counsel wishes to advise his witness, he advise the committee.

Mr. MACINNIS. I have no secrets from the committee.

Mr. TAVENNER. I understand that you have not.

Mr. MACINNIS. I did not say that to be facetious.

Mr. TAVENNER. I know that. It is a rule of the committee that counsel not address the committee in arguments.

You are in a position to make an argument to the committee through the principle of advising your client, and I suggest you do so quietly.

Dr. GORDON. Let the record show in our colloquy between us, the committee may wish everything we say.

Mr. TAVENNER. The committee does not desire to hear it. Where it has been able to do so, it has cut off the transmission system so that no one can eavesdrop, and we do not want to be in a position of having it said, even in a misunderstood way, that this committee is in any way listening in on what counsel and his client are talking about, so I wish you would confer to yourself.

Mr. MACINNIS. I will, of course, to defer to your suggestion. I do not like the individualist suggestion of a whisper. I will keep my voice down.

Mr. TAVENNER. I noticed from the beginning that the chairs have been separated. The witness is at one end of the table. I thought it was designed at the time. I suggest you and the witness move closer together so that you will not have any difficulty hearing each other.

Mr. MACINNIS. I will not quarrel with you because this would be a poor point of issue as to where the seats should be placed.

The CHAIRMAN. Go ahead and ask your question, Mr. Tavenner.

Mr. MACINNIS. I am sorry. We have had some colloquy between us and we have forgotten the question.

May the question be repeated?

Mr. TAVENNER. The question was and is, Do you have any knowledge of the existence at this time of an organized group of professionals as members of the Communist Party group in San Francisco composed solely of doctors, and I should say nurses and technicians?

Dr. GORDON. Mr. Tavenner, I should like to state at the present time that I am not now a member of the Communist Party. I should like to, if you would please, to divide your question, if you wish to divide it, as to whether you are asking me about now or in the past.

Mr. TAVENNER. Yes, sir; my question was specific. It said now.

Dr. GORDON. Would you consider the answer which I gave, that I do not now belong to the Communist Party in answer to that question?

Mr. TAVENNER. It is only a partial answer.

Dr. GORDON. As you know, Mr. Counsel, I am a physician. I have relationships with patients which correspond to you as an attorney having them with your client which has surrounding it an area of confidence which is not to be broken.

The CHAIRMAN. We are not inquiring about any professional situation, of course. We do not want to know anything about your relationships with your patients.

Dr. GORDON. Nevertheless, so that I may complete it, Mr. Chairman, I will not answer the question on the first ground that in some areas it might be that I would be breaking the confidence of a doctor-patient relationship. I will defer to counsel for further advice.

Mr. Tavenner, to further complete this section of my answer—there will be more—it has been established to my satisfaction at least that identification or recognition of a name with me is part of divulging a confidence, the fact that someone has come to me as a physician is divulging a confidence and not the details that occurred.

Mr. TAVENNER. Doctor, if I were to ask you what a particular person told you when coming to you for medical advice, I might be getting close to the question of interference with a confidential relationship, but I asked you no such question. I asked you whether you knew there was in existence such a group of the Communist Party. If 10 or 15 of your patients had so told you, you could answer that without the divulgence of names. I will not ask you to divulge the name of a person, the divulgence of whose name would in any way involve a confidential relationship of a doctor and a patient.

Mr. SCHERER. The confidential relationship that exists between a patient and a doctor involves the relationships of doctor and patient with respect to his physical and mental condition. A doctor cannot refuse to testify about some patient's actions, say if it were embezzlement or murder. He could still be asked about that. The relationship only refers to the relationship of doctor and patient.

Mr. TAVENNER. That is true, but this question does not get even that close to it. That is the point that I am trying to demonstrate to the witness. I have not asked a question that would even bring him that close.

Dr. GORDON. These are the establishment of grounds. I know your question did not get there. In some answers to some questions, it is possible that I may not anticipate—if I may confer further with counsel.

Mr. TAVENNER. Have you completed your answer?

Dr. GORDON. No, sir, I have not. Since I am not now a member of the Communist Party, I cannot give you any information. I have no information about the existence of such an organization at the present time. I am not through yet, sir.

Mr. TAVENNER. Have you completed your answer?

Dr. GORDON. Yes, sir.

Mr. TAVENNER. Were you at one time a member of a professional cell of the Communist Party in San Francisco composed solely of the medical profession, nurses and technicians?

Dr. GORDON. Mr. Tavenner, would you specify, if you have any time in mind, what area it is that you are concerned about?

Mr. TAVENNER. At any time.

Dr. GORDON. Mr. Tavenner, in case of the length of time in which you give scope to the question, I think the recent Supreme Court decision having to do with the establishment of the relevance of an investigation might clearly be raised, and I should like to express to you the relevancy of any time in the past my knowledge of the question which you have asked.

Mr. TAVENNER. Let me be more specific. Let me ask you whether, in 1947, you were a member of the Communist Party?

Dr. GORDON. Mr. Tavenner, I question the length of time. Counsel tells me that the recent Supreme Court decisions emphasize a statute of limitations. This takes us back 10 years, and I should question the relevancy of such a question.

Mr. SCHERER. Were you a member of the Communist Party last year? That is just 6 or 7 months ago. That is not 10 years ago.

Dr. GORDON. Mr. Scherer, Mr. Tavenner, I am advised by counsel that in the interests of avoiding incrimination that at this point I should like to avail myself of the protection of the fifth amendment.

The CHAIRMAN. Then, I understand, from that that you decline to answer the question by invoking the fifth amendment; is that correct?

Dr. GORDON. That is correct.

Mr. TAVENNER. Going back to the year 1947, did you accept during that period of time any assignment from the Communist Party or suggestion from the Communist Party as to what mass organization activities you should engage in?

Dr. GORDON. Mr. Tavenner, there is a particular mass activity that you are concerned with?

Mr. TAVENNER. I would like to know whether you did engage in a mass activity, mass organization activity in 1947, with the tacit understanding and approval of the Communist Party or leadership of any Communist Party group with which you might have been associated.

Dr. GORDON. Mr. Tavenner, if there are no mass organizations which you have in mind, or if you do, I—let me put it that way—if you have any mass organizations in mind, especially since this is a long time ago, I would like to know what they are so that I would have some basis of judging with the counsel here the relevancy of the question here.

Mr. TAVENNER. Surely you know whether you did engage in any work of that kind.

Dr. GORDON. Ten years ago is a long time. Surely you must know if you are asking the question.

Mr. TAVENNER. Let me make a suggestion to you which may be of some help.

Were you active in the work of the American Veterans Committee? I should add, if you were, whether it had anything to do with Communist Party membership. Did that play any part in your activity in that group?

Dr. GORDON. Mr. Tavenner, is the American Veterans Committee a proscribed organization within the scope of the Attorney General's subversive list?

Mr. TAVENNER. In other words, you are asking me whether or not it has been listed as a Communist-front organization; is that what you are asking me?

Dr. GORDON. Yes. That is the standard terminology.

Mr. TAVENNER. No; it has not been either by the Attorney General or by this committee.

Dr. GORDON. Mr. Tavenner, since the American Veterans Committee is not a proscribed organization, and I use the term in the same sense, may I ask you the relevancy of the question to the scope of this hearing?

Mr. TAVENNER. Yes, the committee has heard evidence that the various members of the professional cells were assigned to work in mass organizations. That was one of their large assignments. We have heard testimony as to how certain people were assigned to carry out the purposes of the Communist Party in the Federation of Teachers Union. We have observed that some were very active in the California Labor School. I think we have had testimony about the desire of the Communist Party to have members within organizations that were interested in rights for the Negro people. Those are illustrations. That points up the pertinency of this question.

Dr. GORDON. Mr. Tavenner, under the circumstances, after you have described the purpose of your interest in the organization—

Mr. TAVENNER. No; it is not interest in the organization. It is interest in the activity of the professional group of the Communist Party.

Dr. GORDON. In this organization, yes. Under those circumstances, I have been advised by my counsel that my course should be to invoke the protection of the fifth amendment.

Mr. TAVENNER. Will you tell the committee please in what organizations the medical group of the Communist Party was particularly interested; what mass organizations?

Dr. GORDON. Would you specify time, please?

Mr. TAVENNER. No; I am asking you.

Dr. GORDON. Counsel advises me as follows, Mr. Tavenner: That if there is no particular time that you have in mind and I am free to take my time for contemplation of your question and its answer, there would be a great deal of speculation possible under the circumstances.

If it is specific within a particular period of time, it seems appropriate.

Mr. TAVENNER. Let us say for the year 1956.

Dr. GORDON. Mr. Tavenner, I will at this point on the advice of counsel claim the protection and privilege.

Mr. TAVENNER. Will you advise the committee as to the numerical strength of the medical branch of the Communist Party in the year 1956, if you know?

Dr. GORDON. Will give you the same answer, Mr. Tavenner, for reasons I have given before, that is, that I will claim for this question the protection and the privilege.

Mr. TAVENNER. Did any incident occur between January 1, 1957, and the present time that has resulted in your answer being so far different as to Communist Party membership now and in 1956?

Dr. GORDON. Mr. Tavenner, in answer to your question, I have been advised by counsel that under the circumstances, there is the possibility of self-incrimination which exists, and in answer to your question I will rely on the privilege as I have before.

Mr. TAVENNER. You say you are not a member of the Communist Party now?

Dr. GORDON. That is right.

Mr. TAVENNER. You certainly are not speaking merely of today, are you? What about yesterday?

Dr. GORDON. Mr. Tavenner, were I to go backward with you following your question over the past in as small an increment of time as you wish to add to each question, I would be following into a situation where I might conceivably incriminate myself through an answer, so I will—I am going to have to do that with all such questions that go backward.

Mr. TAVENNER. You are making a very evasive answer. You are answering what your answer might be if I asked you something else. Will you come down to the question I asked you? Were you a member of the Communist Party yesterday?

Dr. GORDON. I will have to claim the privilege, sir.

The CHAIRMAN. Do you invoke the fifth amendment?

Dr. GORDON. I do, sir.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. Dr. Rose Payne.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. PAYNE. I do.

TESTIMONY OF DR. ROSE PAYNE, ACCOMPANIED BY COUNSEL, LLOYD E. McMURRAY

Mr. TAVENNER. Will you state your name, please?

Mrs. PAYNE. My name is Rose Payne.

Mr. TAVENNER. Spell your name please?

Mrs. PAYNE. P-a-y-n-e.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. McMURRAY. Lloyd E. McMurray, 785 Market Street, San Francisco.

Mr. TAVENNER. Where were you born?

Mrs. PAYNE. I was born in Pierce County, in the State of Washington.

Mr. TAVENNER. Where do you now reside?

Mrs. PAYNE. I reside in San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mrs. PAYNE. Since 1948.

Mr. TAVENNER. What is your occupation or profession?

Mrs. PAYNE. My occupation is a research worker in the field of blood diseases. I work with erythrocytes and leucocytes. They are commonly known as red cells and white cells.

Mr. TAVENNER. That is very cute, indeed.

In other words, you are a research assistant?

Mrs. PAYNE. Yes, you might call it that.

Mr. TAVENNER. That is it, is it not? If it is not that, what is it?

Mrs. PAYNE. Just a moment, may I consult with my counsel, please?

The CHAIRMAN. He would not know better than you what your occupation is.

Mrs. PAYNE. Yes; I would like to be accurate, since this is a legislative inquiry.

The CHAIRMAN. If you think your lawyer knows what your occupation is any better than you do, then ask him.

Mrs. PAYNE. Thank you again.

(Witness conferred with her counsel.)

My counsel advises me that I should give my official title. The official title is research associate. It has a different meaning.

Mr. TAVENNER. I do not mean to demote you when I call you an assistant.

How long have you been engaged in that work?

Mrs. PAYNE. Excuse me a moment again, please.

Do you mean in the field of blood research?

Mr. TAVENNER. I mean in your present position.

Mrs. PAYNE. I have been in my present position with varying titles since 1948.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mrs. PAYNE. My formal education—would you like me to begin at the beginning?

Mr. TAVENNER. No, not in the primary grades, just begin with college.

Mrs. PAYNE. I have a bachelor of science degree.

Mr. TAVENNER. From what school?

Mrs. PAYNE. From the University of Washington.

Mr. TAVENNER. When did you receive it?

Mrs. PAYNE. I received it in 1932. Would you like me to go ahead?

Mr. TAVENNER. Yes, go right ahead.

Mrs. PAYNE. I also received a master of science degree in the field of bacteriology in 1933. That was also at the University of Washington. I think, but I do not recall, whether it was between my bachelor degree and my master or following my master's degree that I received a research fellowship which took me to the State of Massachusetts. This was at the Woods Hole Oceanographic Institute.

Following that, I pursued further studies toward the doctor of philosophy degree which I received in 1937 also from the University of Washington.

Mr. TAVENNER. When did you leave the State of Washington to come to California?

Mrs. PAYNE. Excuse me a moment, please.

I did not leave Washington to come to California.

Mr. TAVENNER. Where did you go when you left Washington?

Mrs. PAYNE. I left Washington to go to Oregon.

Mr. TAVENNER. That is rather on the way to San Francisco.

Mrs. PAYNE. Yes, Mr. Tavenner, it is.

Mr. TAVENNER. How long did you stop over in Oregon?

Mrs. PAYNE. I lived in Oregon approximately 5 years.

Mr. TAVENNER. Did you continue down to San Francisco from Oregon?

Mrs. PAYNE. Well, if you were thinking of it in terms of en route, it might be expressed so. I moved from Oregon to California.

Mr. TAVENNER. What year was that, about 1948?

Mrs. PAYNE. 1948, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, whether or not in the practice of your profession here in the city of San Francisco, you have become aware of the existence of an organized group, secret group, of the Communist Party made up of professional people, one of which groups at least was composed of doctors, nurses, and technicians.

Mrs. PAYNE. I object to the question, Mr. Tavenner. I should like to state clearly and briefly why I take certain positions in this inquiry. They will be based in part upon the fact that the citizens of our country enter the voting booth alone. This is one simple and recognized expression of his rights to privacy of opinion set out by the Founding Fathers in the first amendment to the Constitution. Our citizens are entitled to express their political belief in complete privacy or not to express it at all. Our early statesmen carefully considered these provisions. The results of their deliberations have stood the test of more than a century and a half. They express the democratic theory first put into practice in the 18th century which they are extended to the present day.

Now, and in past times it has become necessary to defend these principles and practices.

Professor Einstein, a truly illustrious man—

Mr. TAVENNER. Are you not getting very far afield of your objection to this question? If you have any legal grounds upon which to base your objection, I am sure the committee would be glad to hear them but not a speech. This is a prepared speech that you are delivering, a great part of which has no relevancy at all. I just merely ask you to try to confine yourself to any legal points that you have in mind.

Mr. SCHERER. Constitutional grounds.

Mrs. PAYNE. Yes, I would like to continue for this reason, that I do not speak well extemporaneously at any time. In the scientific field, we always write even the briefest of comments. This is merely a comment that I am going to make.

Mr. SCHERER. I object.

The CHAIRMAN. You are directed to answer the question that has been asked.

Mr. SCHERER. You can use the Constitution as authority but not Mr. Einstein.

Mrs. PAYNE. Is the committee denying me the opportunity of stating the grounds for my objections?

The CHAIRMAN. No, but you are directed to answer the question.

Mrs. PAYNE. Then, I will proceed to state the grounds upon which I decline to answer.

The CHAIRMAN. All right, proceed.

Mrs. PAYNE. Professor Einstein, a truly illustrious man of thought, has called upon all thinking people in the following language. I quote:

In principle everybody is equally involved in defending constitutional rights. The intellectuals in the widest sense of the word are, however, in a special position since they have, thanks to their special training, a particularly strong influence on the formation of public opinion. It is, therefore, in the present situation especially important for the intellectuals to do their duty. I see this duty in refusing to cooperate in any undertaking that violates the constitutional rights of the individual. This holds in particular for all inquiry situations that are concerned with the private life and the political affiliations of the citizen. Whoever cooperates in such a case, becomes an accessory to acts of violations or invalidation of the Constitution.

I end quote of Einstein's statement.

The first amendment is not the only constitutional safeguard against congressional inquiry in the areas where Congress is forbidden to act. To protect the citizen who is compelled as I have been to appear before such a body as this, the fifth amendment was also adopted. It includes the provision that no one shall be compelled to be a witness against himself.

The CHAIRMAN. Do I understand you to say that the fifth amendment was adopted in order to afford some protection to witnesses before congressional committees?

Mrs. PAYNE. I understand that it is one of its purposes and one of its principal uses today.

Mr. TAVENNER. It is certainly true.

The CHAIRMAN. You are quite right.

Mr. TAVENNER. Yes, you certainly are.

Mr. SCHERER. Did she say uses or abuses?

The CHAIRMAN. Well, it is the same thing.

Mrs. PAYNE. To protect the citizen as is compelled, as I have been, to appear before such a body as this, the fifth amendment was also adopted. It includes the provision that no one shall be compelled to be a witness against himself.

The CHAIRMAN. Do not stop there, Doctor—in any criminal matter—you have very conveniently neglected to recite the entire provision of the fifth amendment. Go ahead.

Mrs. PAYNE. Do you not know that testimony—

The CHAIRMAN. Yes, I do, go ahead.

Mrs. PAYNE. All right. Thank you. Because this committee is only interested in subversive matters, any questions it may have about my acts or associations may lead to a criminal prosecution against me. This may happen if I answer the question, no matter which way I answer it. Furthermore, I understand that if I answer such a question, I will then have given up, that is, I will have waived my right, to remain silent in response to all other questions in this area. I have no intention of giving up that fifth amendment right. I rely upon it. [Applause.]

The CHAIRMAN. Now, I have repeatedly warned the people in the audience. I do not like to have this hearing room cleared because the vast majority of the people are aware of the importance of these proceedings. To that small group that persists and insists on making demonstrations, I serve this last note of warning.

Proceed.

Mr. TAVENNER. Have you appeared before the Committee on Un-American Activities at any time prior to today?

Mrs. PAYNE. No, I have not.

Mr. TAVENNER. Possibly I should give you an opportunity to deny or explain or affirm testimony that was taken by this committee on June 19, 1954, at Portland. A witness by the name of Robert W. Canon testified. Mr. Canon testified as follows:

The party leadership would periodically visit our club.

Mr. Kunzig, who was counsel for this committee, then asked:

Who would visit the club?

Mr. CANON. Earl and Rose Payne, his wife, Rose.

Mr. KUNZIG. Did you know her to be a member of the Communist Party?

Mr. CANON. Oh, yes; yes, sir. They visited us frequently, and then after Mr. Payne was expelled from the party, Mark Haller visited us on several occasions.

Was Mr. Canon correct in referring to Rose Payne as a member of the Communist Party who frequently visited his club?

Would you like to deny it or affirm it? I do not want you to leave here without the opportunity of expressing your opinion about it.

Mrs. PAYNE. I decline to answer that question for the reasons that I have already stated, which I do not believe you would care for me to reread.

The CHAIRMAN. We remember them. Proceed, Mr. Tavenner.

Mr. TAVENNER. That was at Portland. That is on the way, is it not, from Washington down to California?

Then the committee heard testimony on June 18, 1954, from Barbara Hartle. Barbara Hartle was one of those who was convicted under the Smith Act in the State of Washington and was sentenced to a term of imprisonment. She testified fully before this committee. She would not testify before her sentence was imposed because she felt that to do so might be considered by some of her former friends in the Communist Party as having been given in order to affect her sentence, so she received her sentence and she served her sentence. She was one of the most informed, active witnesses this committee has ever had on the theory and the purposes of the Communist Party.

Were you acquainted with her?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. At the hearing on June 18, Mr. Kunzig asked this question of Mrs. Hartle:

In your knowledge of Earl Payne, did you have occasion to know his wife, Rose Payne?

Mrs. HARTLE. Yes; I knew his wife as a member of the Communist Party in King County when she and Earl Payne were married and were living there. I have attended Communist Party functionary meetings with her in Seattle in the early 1940's.

Is that testimony true or false?

Mrs. PAYNE. I decline to answer that question. You know that I will decline, and it is for the same reasons as previously stated.

Mr. TAVENNER. As a matter of fact, you were well steeped and trained in Communist Party work before you came to San Francisco, were you not?

Mrs. PAYNE. Same answer, Mr. Tavenner.

Mr. TAVENNER. How long was it after your arrival here in 1948 before you became identified with a medical branch, or professional branch, of the Communist Party in San Francisco?

Mrs. PAYNE. Mr. Tavenner, have I been so identified?

Mr. TAVENNER. Will you answer the question?

Mrs. PAYNE. I assume that I have not been so identified, but, since you pressed this area on this area, I will decline to answer as previously.

Mr. TAVENNER. Did you attend a Professional Section convention at the home of Dr. Morton Garfield in December of 1950 as a representative of the medical group?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. Are you a member of the medical group now, that is, the medical branch of the Professional Section of the Communist Party?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Dr. Morton Garfield.

Mr. BROWN. He objects to television during this hearing.

The CHAIRMAN. We will request the television people to comply with his request that he not be televised. I trust that the television people will cooperate.

Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. GARFIELD. I do.

TESTIMONY OF DR. MORTON (M.) GARFIELD, ACCCOMPANIED BY COUNSEL, J. A. BROWN

Mr. TAVENNER. What is your name, please?

Dr. GARFIELD. My name is Morton Garfield.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BROWN. J. A. Brown, of the California bar.

Mr. TAVENNER. When and where were you born, Dr. Garfield.

Dr. GARFIELD. I was born in Virginia, November 30, 1914.

Mr. TAVENNER. Where in Virginia?

Dr. GARFIELD. Norfolk, Va.

Mr. TAVENNER. Where do you now reside?

Dr. GARFIELD. San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. GARFIELD. Thirteen years.

Mr. TAVENNER. You are a medical doctor?

Dr. GARFIELD. Yes.

Mr. TAVENNER. Will you tell the committee, please, what your professional training has been?

Dr. GARFIELD. Yes. I was graduated from the University of Virginia in 1935, with a bachelor of science degree. I was graduated from Johns Hopkins University in 1939 with an M. D. degree.

Mr. TAVENNER. When did you embark upon the practice of your profession?

Dr. GARFIELD. Approximately 1944.

Mr. TAVENNER. Dr. Garfield, the committee has been undertaking to determine the full extent of the operations of a medical branch of the Communist Party in the city of San Francisco. That is an organized secret group of the Communist Party composed of members of the medical profession, nurses, and technicians.

Do you have any knowledge at the present time of the existence of such a group?

Dr. GARFIELD. I wish to state, Mr. Tavenner, that my beliefs and associations are personal and private; that, in my opinion, most of my fellow citizens would agree that this is my privilege. I respectfully decline to answer that question under the rights granted to me by the first and fifth amendments of the Constitution.

Mr. TAVENNER. We have been undertaking, as I said, to find out what we can about the activities of this organization, this group. The committee has received evidence at various places in the State of California of the extreme activity of the Communist Party in the organizing and functioning of the Independent Progressive Party back about 1950. I hand you a photostatic copy of a document showing the appointment of members of the State Central Committee of the Independent Progressive Party in the year 1950, and ask you to examine it and state whether or not you were one of the appointees?

Dr. GARFIELD. I must decline to answer that question and I do decline to answer that question on the same grounds I previously stated.

Mr. TAVENNER. You do see your name there, do you not, as one of the appointees of the State central committee?

Dr. GARFIELD. The same answer, sir.

Mr. TAVENNER. You will not state whether or not you see it?

Dr. GARFIELD. My answer is the same.

Mr. TAVENNER. I will read what it says. May it be marked "Garfield Exhibit No. 1"?

The CHAIRMAN. Let it be so marked.

(Garfield Exhibit No. 1 retained in committee files.)

Mr. TAVENNER. It reads as follows:

I, Morton M. Garfield, S. F., duly qualified as a delegate to the State convention at Sacramento in the year 1950, by virtue of my appointment by the county central committee to the office of delegate on the 11th day of July 1950, upon the Independent Progressive ticket, do hereby appoint the following three voters, who shall be members of the State Central Committee to meet at Sacramento, August 6, 1950—

and then it gives the names of the three persons so appointed.

In witness whereof, I have hereunto set my hand this 31st day of July 1950—and it is signed "Morton M. Garfield."

Apparently I was mistaken in stating that you were a member of the State Central Committee, but you were appointed as a delegate to it by the county central committee. Does that change your answer in any way to my explanation?

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Were you, on the date of the execution of this paper, July 31, 1950, a member of a professional cell of the Communist Party in San Francisco?

Dr. GARFIELD. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. What part did the medical profession cells play in the IPP in this area, if any?

Dr. GARFIELD. My answer must be the same, sir.

Mr. TAVENNER. Were you given an assignment at any time to work in any mass organization other than the IPP which we have just mentioned?

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Are you a member of the Professional Section of the Communist Party composed of members of the medical profession at this time?

Dr. GARFIELD. My answer is the same as previously stated for the same reasons.

Mr. TAVENNER. Will you tell the committee, please, whether or not, in December of 1950, the Professional Section of the Communist Party of which I have been speaking held its convention in your residence?

Dr. GARFIELD. My answer is the same.

Mr. TAVENNER. Do you not have full knowledge of the operations of the Professional Section of the Communist Party since 1950?

Dr. GARFIELD. My answer is the same on the same grounds. This question as the others did, invades my right of privacy and freedom of speech and my rights against self-incrimination embodied in the first and fifth amendments of the Constitution.

Mr. TAVENNER. In other words, you refuse to give this committee any information about the operations of this group? That is in substance what you are saying and the position you are taking.

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Well, I think it is useless for me to ask you any more.

I have no further questions.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. The committee will stand adjourned and it will meet tomorrow morning at 9:30.

(Whereupon, the committee recessed at 4:45 p. m., to reconvene at 9:30 a. m. Friday, June 21, 1957.)

HEARINGS HELD IN SAN FRANCISCO, CALIF., JUNE 18-21, 1957—PART 2

FRIDAY, JUNE 21, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.
PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., in the board of supervisors' hearing room, City Hall, San Francisco, Calif., Hon. Gordon H. Scherer, presiding.

Committee members present: Representatives Gordon H. Scherer, of Ohio, and Robert J. McIntosh, of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel, and William A. Wheeler, investigator.

Mr. SCHERER. The subcommittee will come to order. Let the record show that Francis E. Walter, Chairman of the Committee on Un-American Activities, will not be with us today. He is in Pennsylvania for an engagement of long standing. He has appointed a subcommittee consisting of the gentleman from Michigan, Mr. Robert J. McIntosh; Mr. Edwin E. Willis, from Louisiana; and myself as a subcommittee for the purpose of conducting these hearings today.

Will you call your first witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Jack Eshleman, will you come forward?

Mr. SCHERER. You do solemnly swear that the testimony you shall give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ESHLEMAN. I do.

Mr. SCHERER. Please be seated.

TESTIMONY OF JOHN M. ESHLEMAN, ACCCOMPANIED BY COUNSEL, HAROLD A. GALLOWAY

Mr. TAVENNER. Will you state your name, please, sir?

Mr. ESHLEMAN. My name is John M. Eshleman.

Mr. TAVENNER. Spell your name, please.

Mr. ESHLEMAN. E-s-h-l-e-m-a-n.

Mr. Chairman, before any questions—just a moment—I have a question I would like to ask as procedure.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself.

Mr. GALLOWAY. Harold A. Galloway, 68 Post Street, and a member of the California bar.

Mr. ESHLEMAN. It seems to be doubtful that a quorum is present. I would like to have a ruling on that.

Mr. SCHERER (presiding). There is a quorum of the subcommittee present.

Mr. TAVENNER. When and where were you born?

Mr. GALLOWAY. Just a moment, please.

Mr. TAVENNER. Excuse me, I did not notice that you were in conference.

Mr. ESHLEMAN. It is my understanding that four men were appointed to the committee. I now ask if two Members of Congress constitute a quorum?

Mr. SCHERER. Your objection has been noted on the record. Proceed, Mr. Tavenner.

Mr. ESHLEMAN. Is there a ruling that two members constitute a quorum?

Mr. SCHERER. You evidently did not hear what I said when I assumed the chairmanship of the subcommittee this morning. Mr. Walter, Chairman of the Committee on Un-American Activities, appointed a subcommittee consisting of Mr. Robert J. McIntosh, the gentleman from Michigan; Mr. Edwin E. Willis, the gentleman from Louisiana; and myself as a subcommittee for the purpose of conducting the hearings today, and that Mr. McIntosh and myself are present, which is a quorum of that subcommittee.

Will you proceed.

Mr. TAVENNER. May I be excused?

Mr. SCHERER. We will have a few minutes recess while counsel answers a telephone call.

(Brief recess.)

Mr. SCHERER. The committee will come to order. Mr. Tavenner, will you proceed?

Mr. GALLOWAY. Mr. Chairman, may I address the Chair?

Mr. SCHERER. Yes.

Mr. GALLOWAY. Mr. Chairman, in the absence of Chairman Walter, of the House Un-American Activities Committee, an interesting and important point has arisen as we have just raised the question of the quorum.

Mr. SCHERER. Would you come up here just a moment.

Mr. GALLOWAY. I am referring to rule 25.

Mr. SCHERER. At the same time you are familiar with rule 7.

Let us have an understanding, please. The ruling of the chairman yesterday was the committee is pleased to have you here, but I would appreciate your not displaying any approval or disapproval of anything that is said by counsel, witnesses, or the committee.

Mr. TAVENNER. Mr. Eshleman, will you state when and where you were born, sir?

Mr. ESHLEMAN. I wish to state that any further questions which I will answer will be under protest on the grounds that this committee is illegally constituted.

Mr. SCHERER. Will you answer the question now, sir?

Mr. ESHLEMAN. Will you repeat the question, please?

Mr. TAVENNER. When and where were you born?

Mr. ESHLEMAN. September 18, 1914, Oakland, Calif.

Mr. TAVENNER. Where do you now reside?

Mr. ESHLEMAN. Mill Valley, Calif.

Mr. TAVENNER. Have you been a resident of California during your entire life? Let me put the question this way: Have you resided at any place out of the State of California for any period of time?

Mr. ESHLEMAN. I have maintained legal residence in the United States all my life, and in California, and I travel outside of the United States on occasion.

Mr. TAVENNER. My question is whether you have resided for any period of time outside of the State of California. I did not ask you about your legal residence.

Mr. ESHLEMAN. What period of time are you discussing?

Mr. TAVENNER. Have you lived in any other State for any period of time?

Mr. ESHLEMAN. I lived in Utah for approximately a year.

Mr. TAVENNER. I believe I can shorten it. How long have you lived in the State of California prior to the present moment without having lived any other place?

Mr. ESHLEMAN. Since 1938.

Mr. TAVENNER. Will you tell the committee, please, what your profession or occupation is?

Mr. ESHLEMAN. I am a newspaper reporter.

Mr. TAVENNER. Tell the committee, please, of what your formal educational training has consisted.

Mr. ESHLEMAN. Graduated from the University of California in 1938, a bachelor of arts degree.

Mr. TAVENNER. Will you outline to the committee briefly what your employment has been since 1940, but before doing that, have you been a member of the Armed Forces of the United States?

Mr. ESHLEMAN. No; I have not.

Mr. TAVENNER. Then, proceed, please, to tell us what your record of employment has been since 1940.

Mr. ESHLEMAN. I can tell the committee that I worked in the newspaper industry here since 1946. As to prior to that, I am going to decline to answer.

Mr. TAVENNER. Have you worked as a reporter in San Francisco—

Mr. SCHERER. Just a moment. I direct that you answer the question where you worked prior to 1946.

Mr. ESHLEMAN. I am going to decline to answer questions that bear on my past political beliefs and associations under the guaranties that are given me in the fifth and first amendments as well as the sixth amendment.

Mr. SCHERER. The question was, Witness, as to where you work, not as to your association and beliefs or activities, other than your employment. The question is asked for the purpose of identification.

Mr. ESHLEMAN. I have performed work in the past which may involve political associations, and I decline to answer on the grounds that I have just stated.

Mr. SCHERER. I am sorry. It was my fault. What were the two amendments you raised.

Mr. ESHLEMAN. I raised three—fifth, first, and sixth.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. When you say you worked in the newspaper field since 1946, do you mean that you have worked continuously in San Francisco in that field since 1946?

Mr. ESHLEMAN. That is correct.

Mr. TAVENNER. Was that entire time spent as a newspaper reporter? Is it that type of work?

Mr. ESHLEMAN. I worked for the Call-Bulletin as a copy reader until 1952. I have been a reporter on the Examiner since August of 1952.

Mr. TAVENNER. Will you tell the committee, please, whether at any time since you have been employed in the city of San Francisco since 1940 you have been aware of the existence of a professional group of the Communist Party composed of members of the various professions in San Francisco?

Mr. ESHLEMAN. I decline to answer on the previously stated grounds.

Mr. TAVENNER. The committee has heard evidence indicating that various members of the professions, the different professions—the medical profession, the legal profession, and others—were assigned to activity within various mass organizations. Were you assigned to any work of that character in a mass organization?

Mr. ESHLEMAN. I decline to answer on the grounds that I previously stated.

Mr. TAVENNER. While employed in San Francisco, were you at any time a teacher in the California Labor School?

Mr. ESHLEMAN. I decline to answer on the grounds that I previously stated.

Mr. TAVENNER. Were you at one time a publicity director of the North Side Club of the Communist Party, a club which has been described as being one of the professional groups of the Communist Party in San Francisco?

Mr. ESHLEMAN. I decline to answer that question on the grounds I have previously stated, and in so doing I wish to state that I am not now a member of the Communist Party nor am I in sympathy with it. As to questions involving previous association with the Communist Party, I shall decline to answer on the grounds which I have stated.

Mr. TAVENNER. I am gratified indeed to know that you are not now a member of the Communist Party and that you are not in sympathy with it. If you desire to state to this committee why you are not in sympathy with it, I would be glad to give you that opportunity.

Mr. ESHLEMAN. Thank you, Mr. Tavenner, for the invitation. I have a short statement here which I would like to read.

There is a lot of paperwork involved in appearing before these committees. I have written it out, and apparently I have mislaid it, but I would like a minute to find it.

Mr. SCHERER. Take all the time you need.

Mr. ESHLEMAN. I believe that this committee, under the first amendment, has no right to inquire into anyone's political associations, past or present.

Mr. TAVENNER. Just a minute. That is not in response to the invitation I gave you. You said you opposed communism. I said I would give you an opportunity to state why you are opposed to communism. You are giving a statement of your opposition to this committee. We know that without asking.

Mr. ESHLEMAN. I am not a Communist nor in sympathy with it, nor am I in sympathy with the rightwing subversion which is active today—

Mr. TAVENNER. Again, it is not responsive to the question at all. It is quite apparent what the gentleman has in mind, and I think he should not be permitted to deliver a prepared speech against the work of this committee.

Mr. SCHERER. Are you sure you have the proper statement at this time?

Mr. GALLOWAY. I read the statement, Mr. Chairman, and there is some pretty good stuff in it. It is not intended to belittle this committee at all, but if you intend that it not be read we can only bow to your direction on that.

Mr. SCHERER. I would like to have it, as all statements are required to be submitted to the committee, and we will make it part of the record.

Mr. GALLOWAY. The man is here before the public—

Mr. SCHERER. Obviously the answer of the witness has not been responsive so far.

Mr. GALLOWAY. It has not been responsive to the specific question so far, but there is other material which was about to be stated which would be.

Mr. SCHERER. Maybe I am wrong, but I understand the witness said he was not in sympathy with the objectives of the Communist Party at the present time. Mr. Tavenner said, and I think properly so, if you care to tell us why you are not in sympathy with the Communist objectives at this time, we would be happy to hear from you. If any part of his statement deals with that, we will be happy to hear it. If not, he can submit his statement to the committee, if he so desires.

Mr. ESHLEMAN. If the committee does not wish to hear my statement—which I have prepared because my friends and enemies are watching me and will judge me—I wanted to state how I feel and I wanted to tell a bit of my political beliefs, of which I am proud and which might possibly be a new light or of some help to this committee. Since you do not care to hear it, we will bow to your ruling.

Mr. SCHERER. You are misinterpreting what I said. I said any part of your statement which is responsive to the question which you indicated would be your answer, we would be happy to hear from you, but it is in violation of the rules of the committee to make a speech or a statement unrelated to the questions at hand, particularly from a witness who has—

Mr. ESHLEMAN. If I am going to tell this committee my political beliefs, I will tell them that I will not have any parts put in out of context. I think the whole thing is related. What Mr. Tavenner related to I have objected to it, because it is out of context. The whole statement would respond to this question.

Mr. SCHERER. May I point out that you refused to answer the initial questions propounded to you by Mr. Tavenner on the grounds that you would not discuss with this committee your political beliefs. I think we have reached an impasse. The witness is excused.

(Witness excused.)

Mr. SCHERER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mrs. Dorothy Jeffers.

Mr. SCHERER. I believe this witness was sworn yesterday.

Mr. TAVENNER. Yes, sir. However, Mr. Chairman, since this is a different subcommittee, in order to avoid any difficulty, may I ask that she be sworn again.

Mr. SCHERER. You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JEFFERS. I do.

TESTIMONY OF MRS. DOROTHY (M.) JEFFERS—Resumed

Mr. TAVENNER. I believe you testified, Mrs. Jeffers, that you at one time were a treasurer of one of the professional groups of the Communist Party.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you tell us, please, briefly, what your duties as treasurer were?

Mrs. JEFFERS. The duties of the treasurer were to handle all moneys of the club, to collect dues and sustainers, to pay any bills that the club may have incurred as a result of mailings or funds that were expenses for a party, that sort of thing. Also, the moneys collected from dues and sustainers were remitted to, I believe, the section committee treasurer.

Mr. TAVENNER. You spoke of sustainer funds. What do you mean by that?

Mrs. JEFFERS. A sustainer was a personal pledge from each member over and above his dues payment to support the Communist Party.

Mr. TAVENNER. When you were paid the Communist Party dues by the members, and these sustainer funds or contributions, what disposition did you make of the money?

Mrs. JEFFERS. I turned them over to the county office.

Mr. TAVENNER. The county office where?

Mrs. JEFFERS. 942 Market Street.

Mr. TAVENNER. Will you speak up a little more, please?

Can you recall at this time the name of any person to whom you delivered those funds?

Mrs. JEFFERS. Yes; I regularly gave them to Dan Mah.

Mr. TAVENNER. Dan Mah: M-a-h.

Mrs. JEFFERS. Dan Mah: M-a-h.

Mr. TAVENNER. Do you have any knowledge of your own as to how these funds were used after being paid over to the county headquarters?

Mrs. JEFFERS. I do not.

Mr. TAVENNER. Were you a membership director of one of these groups?

Mrs. JEFFERS. Yes; I was.

Mr. TAVENNER. What were your duties as a membership director?

Mrs. JEFFERS. Membership director was to take charge of club attendance records, to interest and discuss with people their recruiting of other people into the Communist Party, to talk with people who were not attending regularly, to make them see and understand their political responsibility to attend party meetings regularly.

Mr. TAVENNER. What type of records were maintained of these secret groups?

Mrs. JEFFERS. When I first entered the party, rather regular records were kept. Later, it was frowned upon to keep records of either dues payments or attendance.

Mr. TAVENNER. Speak a little louder, please. What did you say was the practice later?

Mrs. JEFFERS. As security regulations were tightened, it was frowned upon to keep any sort of records. We were not supposed to keep anything in writing.

Mr. TAVENNER. You were not supposed to keep anything in writing?

Mrs. JEFFERS. It was an extremely difficult thing to keep track without any written record.

Mr. TAVENNER. Was any plan devised to keep a record which would be intelligible only to the individual people?

Mrs. JEFFERS. I devised a very simple code which anyone could read if they really studied it hard, but at a quick glance I do not think you would know what it was.

Mr. TAVENNER. But you did not write out the name of the individual?

Mrs. JEFFERS. No. Membership directors were supposed to look into the mass work of individual members, too.

Mr. TAVENNER. By mass work, do you mean engaging in mass activities?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Before I ask you about that, did the work have anything to do with recruitment into the Communist Party?

Mrs. JEFFERS. Yes; that was one of the duties, to do personal recruiting and to encourage others to make contacts which might lead to the recruitment of people into the party.

Mr. TAVENNER. Did you recruit anyone into the Communist Party?

Mrs. JEFFERS. No; I did not feel that I could recruit someone else into an organization in which I did not have faith.

Mr. TAVENNER. Did you at any time become a chairman of a group?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Will you state about when that was?

Mrs. JEFFERS. Probably 1951, and 1952, I would say.

Mr. TAVENNER. What were your duties as chairman?

Mrs. JEFFERS. The chairman was responsible for the overall functioning of the group; to conduct meetings and attend executive committees; keep up the morale of the group, which at that time was somewhat low; discuss participation in the mass work; discuss participation in club work; carrying out of assignments; do your Marxist-Leninist reading. In general, it was to lend direction to the work of the club.

Mr. TAVENNER. You said the morale at that time was low. Can you give the committee any reason for the morale being low in those years?

Mrs. JEFFERS. I think this was a period, if I have my dates right, when the Government had started a series of trials indicting Communist Party leaders who were advocating the overthrow of the Gov-

ernment, and it made people very conscious of their personal security and they began to think in these terms. It caused a great concern, organizationally, in the party. Also, the Korean war—did I say that?—increased tensions, and the international situation brought on fear of possible war with China or with the U. S. S. R., so all in all, it was a situation in flux when the party felt threatened and individualists felt threatened as individuals. They felt that anything could happen.

Mr. TAVENNER. Were the cells of the Communist Party at that time reduced in number?

Mrs. JEFFERS. Yes; I think that is a period when the size of party groups or branches was broken down into very small groups of 5 or 6 people. It was thought in this way, instead of having 20 or 15 people going to a home on regular occasions, 5 or 6 people is not very conspicuous. Also, if there should be a Government agent in the group, his information would be very much lessened down, to information about a small group rather than a large group.

Mr. TAVENNER. I think prior to the Smith Act trials, the extent to which there had been infiltration by the FBI into the Communist Party was not generally known. Is that not true?

Mrs. JEFFERS. I would say so.

Mr. TAVENNER. In other words, this is infiltration in reverse?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The specialists in that field found that they themselves were being infiltrated?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you hold a position with the Executive Committee of the Communist Party at any time?

Mrs. JEFFERS. I was a member of the Executive Committee of the Professional Section for several years. I can't tell you exactly how many, but after I became membership secretary and chairman I was a member of the sectional committee.

Mr. TAVENNER. How was that Executive Committee constituted?

Mrs. JEFFERS. That was constituted of officers of the various branches, I believe.

Mr. TAVENNER. A little while ago you mentioned that one of your duties was to see to assignments in mass organizations. What do you mean by assignments in mass organizations?

Mrs. JEFFERS. Every member of the Professional Section has a duty to engage in what was called mass work. This means to become a member of some organization which has a large number of members, to learn the working of an organization, to become a responsible functioning member, accepting assignments, giving leadership, making friends; you eventually guide the direction. This would be the eventual hope, to guide the direction of the organization. In the beginning you would support other organizations' stated purposes to meet the people. I would say the Communists are very good members. They do their work. They do their assignments. They are very effective.

Mr. TAVENNER. That is virtually the only way to win influence in an organization, to be active.

Mrs. JEFFERS. Yes; thoroughly active and imbued with the organization.

Mr. TAVENNER. Let me talk for a moment about your own assignment in that respect. Was there any particular mass organization in which you were expected to engage in work?

Mrs. JEFFERS. Yes; I was assigned to the National Association for the Advancement of Colored People. Their aims, the aims of the party, the immediate aims of the party for Negroes—or all aims we can agree upon—the immediate aims are all aims we can agree upon for improved conditions, civil rights, elimination of the poll tax, and so forth.

Mr. TAVENNER. Will you try to raise your voice a little, or get a little closer to the microphone?

Mrs. JEFFERS. The later aims—of course, the ultimate aim is to get Negroes to join the party. They work with them, they become friends with them, they prove themselves sincere and honest workers for cause, and you trust them. They hope, at least, that you will trust them and say this is a good man. They feel I will help myself and my people by joining this organization, as he has proved himself such a valuable ally. This, I think, works in the same way in all of the workings in which members took part.

Mr. TAVENNER. You say it was the primary function of members of this Professional Section of the Communist Party to engage in work of that kind?

Mrs. JEFFERS. It was considered extremely important. If you were simply a Communist Party member and reading party literature and doing no work in a mass organization, you were said to be working in a vacuum.

Mr. TAVENNER. In other words, unless you were doing those things, you were not propagating the plans and theories of the Communist Party?

Mrs. JEFFERS. You were not advancing the party or making the party broader in its membership.

Mr. TAVENNER. I believe you have indicated that "mass work" also was used as a plan for recruitment into the Communist Party.

Mrs. JEFFERS. Indeed so. It was thought, after being such a very good person in the organization, proving so worthwhile and valuable in your work, that you would have gained the trust of people, so that when you made a proposal to them and have a nice little group of friends coming over tonight—"Why don't you join us?"—this was the first step, you see.

Mr. TAVENNER. Many people have been led into the Communist Party by that smooth method of operation. Is that not true?

Mrs. JEFFERS. Probably, probably. However, I do not think it has worked so well among Negroes.

Mr. TAVENNER. What was that?

Mrs. JEFFERS. I do not think the inducements worked too well among Negroes.

Mr. SCHERER. I agree with you. The testimony all over the country has been that the Negroes have resisted the advances of the Communists to have them join the party better than any other segment of our population. That is the sworn testimony before this committee.

Mr. TAVENNER. While we are on that subject, I think it would be interesting for us to know a little more in detail what the Communist Party tried to sell the Negro people.

Mrs. JEFFERS. Of course, the original bill of goods is improved conditions in civil rights, the elimination of poll tax, the lynching law, FEP legislation. This is a program on which all Negroes will go, but the last part of their program is one on which Negroes do not agree, and that is national liberation for the Negro people or at least a choice of national liberation for the Negro people. As an oppressed nation they would have a right to remain—whether they would remain—as a nation within the confines of the United States or whether they would become a separate nation. This is not at all interesting to the Negro people. I can only speak for the few with whom I have talked, but I think from the very fact that their campaign failed—and there was a time when they were promoting this very strongly and talking this very strongly without any results.

Mr. SCHERER. Again, I might say the testimony before the committee indicates what you say is absolutely true, that the Negroes rejected the idea of a separate Negro nation as suggested in the Communist Party program.

Mrs. JEFFERS. Yes; this is not their idea at all.

Mr. SCHERER. In other words, the Communist Party advocated segregation.

Mrs. JEFFERS. That is what it amounted to in my opinion, and I think that is how the Negro saw it.

Mr. TAVENNER. Where was the Communist suggestion that this so-called liberation movement should be and where should the new state be created?

Mrs. JEFFERS. I don't think they got that far. At least I have no knowledge of that. I do not think they made any kinds of suggestions. Of course, they name what they called a Black Belt in the South which has from 49 percent up of Negro population. I would say, then, the state would take in that territory.

Mr. SCHERER. Do we not have in evidence from previous witnesses of the Negro race diagrams and maps from the Communist Party's files itself showing how this segregated nation was supposed to be set up?

Mr. TAVENNER. Yes; a printed map of the United States with the characters indicated as drawn on the map. Has the witness ever seen it?

Mrs. JEFFERS. I may have, but I do not recall at this time.

Mr. SCHERER. It was introduced by a Negro witness who had been a member of the Communist Party and participated in that program as I recall.

Mr. TAVENNER. The testimony was that that should indicate an area which would be an independent country within the geographical area of the United States and would be self autonomous.

Mrs. JEFFERS. It seems to me that this is merely a way of segmenting a large nation. I think they have done this before in Eastern Europe. Then, those countries are united, or they were in Europe, united under the U. S. S. R. They were small, weak, and pretty soon they are in and they belong to you.

Mr. TAVENNER. In other words, it would be greatly to the interest of a foreign power if this country could be divided within itself.

Mrs. JEFFERS. Oh, yes.

Mr. TAVENNER. I understood you to say the Negro people would not fall for such a scheme.

Mrs. JEFFERS. Not at all.

Mr. TAVENNER. The Communist Party, as I understood you to say, was not satisfied with legitimately working for issues that the Negro people were interested in, but they had other purposes in mind. What did you mean by that?

Mrs. JEFFERS. Well, the liberation of the oppressed Negro nation would be one, and the growth of the party through Negro membership would be another; and, of course, the weakening of the whole United States would certainly be another, if a comparatively large segment were taken from it.

Mr. TAVENNER. Are you familiar with the writings of any Communist Party leaders on the work of the Communist Party within that group which would further indicate the motives of the Communist Party? I asked you to bring certain documents with you. I do not know if you have them with you or not.

Mrs. JEFFERS. I have them here. I have a pamphlet here, dated 1947, on the Communist position—

Mr. TAVENNER. Will you excuse me just a minute.

Mr. SCHERER. The committee will be in recess for about 5 minutes. (Brief recess taken.)

Mr. SCHERER. Will you proceed, Mr. Tavenner.

Mr. TAVENNER. Mrs. Jeffers, you have called to my attention some written material which you thought illustrated well what the Communist Party was attempting to do and how it was attempting to use the Negro people. Now, will you proceed and state to the committee what that written material is and quote from it anything that you desire to carry your point.

Mrs. JEFFERS. The two quotes which I will make are from a publication of the Communist Party—

Mr. TAVENNER. Excuse me a moment; your voice is not carrying.

Mrs. JEFFERS. It is the Communist publication published in 1947 called The Communist Position on the Negro Question.

It is a series of articles all related to the Communist position helping Negroes win their immediate gains as we have mentioned, but all leading to, and tied closely in with, an idea of national liberation.

This is a phrase which was much used. The first quote I will read is from an article by Edward Strong. He says:

That leads me to the point of examining the program of the Negro liberation movement in America, which at present is limited fundamentally to the specific immediate demands, whereas what is required is for us to raise the level of Negro liberation to qualitatively higher levels than what we see today. Otherwise we can go on endlessly winning gains; and for generations, ever since Reconstruction, we have talked about the gains we have made, gains which we promptly lost. We won gains here and lost them there. But the fact is—

and this, I think, is the crux—

that these gains constitute no threat basically to the capitalist system—

Mr. TAVENNER. Will you repeat that.

Mrs. JEFFERS (reading):

But the fact is that these gains—

referring earlier to anti-poll-tax legislation, fair employment, anti-lynching law, and that sort of thing—

constitute no threat basically to the capitalist system, and in my opinion it is essential for the liberation movement and the whole people's coalition movement in America to conceive of the struggles for Negroes' rights which fundamentally will lead the Negro people and liberation movement ultimately into head-on collision with our oppression.

Mr. TAVENNER. With what?

Mrs. JEFFERS. With our oppression. So I think that points out what the ultimate goal is. I have another from the same publication.

Mr. TAVENNER. I am not certain of the meaning of that last sentence; will you read it again please?

Mrs. JEFFERS. The last sentence reads:

But the fact is that these gains constitute no threat basically to the capitalist system, and in my opinion it is essential for the liberation movement and the whole people's coalition movement in America to conceive of the struggles for Negroes' rights which fundamentally will lead the Negro people and liberation movement ultimately into head-on collision with our oppression.

Mr. TAVENNER. Would you look at that last word; is it opposition or oppression?

Mrs. JEFFERS. We have a force here oppressing the Negro and we will lead them head on into this force, which, of course, is capitalism.

Another quote in the same publication is by William L. Patterson.

Mr. TAVENNER. He was the head of the Civil Rights Congress, was he not; or do you know? If you do not know, I will merely state it for the record that he was.

Mrs. JEFFERS (reading):

In the South the slogan for equal rights, used alone, obscures the revolutionary character of the Negro liberation movement. It becomes a tool of liberalism, guarantees no permanent gains, ultimately worsens the relations of poor whites and the Negro people, seriously weakens the Negro movement as an aid to the proletarian class struggle—

Mr. SCHERER. He is saying this about what? Is this about civil rights?

Mrs. JEFFERS. This is an article on Negro liberation and the national movement. Shall I read that again?

Mr. SCHERER. Yes.

Mrs. JEFFERS (reading):

In the South the slogan for equal rights, used alone, obscures the revolutionary character of the Negro liberation movement. It becomes a tool of liberalism, guarantees no permanent gains, ultimately worsens the relations of poor whites and the Negro people, seriously weakens the Negro movement as an aid to the proletarian class struggle—

This is why we need the Negro as an aid to the proletarian class struggle.

Mr. TAVENNER. So the ultimate aim of the Communist Party was merely to use the Negro people as its tool to accomplish its own purpose.

Mrs. JEFFERS. I think so. That is my opinion.

Mr. TAVENNER. You yourself are a Negro; are you not?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. We had a hearing before our committee in the early days of my connection with the committee, and we were astounded to learn that Paul Robeson had made a declaration to a

worldwide audience from a foreign country that, in the event of war between the United States and the Soviet Union, the Negro people would not support the cause of the United States. At that time the committee was so shocked that it felt it should give as broad an audience as possible to representatives of the Negro race who took a different view, and the first witness we called was Jackie Robinson—you may recall it—of the Brooklyn Dodgers. He testified at considerable length on that subject. Before stating what his conclusion on it was, let me have your view of Paul Robeson's statement.

Mrs. JEFFERS. I think that only a comparative handful of Negroes who are in the party supported his statement. The rest of the Negro population was aghast. This is contrary to the long history of the faithfulness, patriotism, of the Negro people, and they feel it is a tradition of their way.

Mr. TAVENNER. That was the view of Jackie Robinson, who expressed it a little differently, and it was the view of many prominent educators who are members of the Negro race. There has been nothing that this committee has found, in the course of its investigations over this country, that would indicate that your summation on that subject is in any sense wrong.

Mr. SCHERER. Have you finished, Mr. Tavenner?

Mr. TAVENNER. On that point; yes. When we got into the discussion of this subject, we were talking about mass organizations of the Communist Party. You told us of the mass organization you had been directed to work in, and I believe your testimony yesterday would bear the conclusion that that was the reason the Communist Party wanted you as a member because of your activity with that group. Of course, there were numerous other mass organizations, and I will want you to indicate all you can. Tell the committee all you remember about the assignment of different people to work in particular mass organizations, aside from the general duty that everyone had to work in such organizations. Rather than to try to pick them out, I believe the best thing for you to do would be to give the committee, at this time, a statement identifying all persons whom you personally know were members of the Professional Section of the Communist Party, and, in doing that, I have asked you to sit down and write out those names as nearly as you could remember them. As you give us the names, I would like for you to advise the committee all that you can now recall regarding their activities and their identification, and particularly as to those who had any special assignment in mass organization. It might help in doing that—I believe I asked you to break them down as well as you could as to what professions these people were in; so will you proceed, please?

Mrs. JEFFERS. I have broken them down into categories according to their work. The first category which I have listed is that of doctors. I have on my list, Dr. Evelyn Siris and Dr. Sol Bineman.

Mr. TAVENNER. Dr. Evelyn Siris and Dr. Sol Bineman.

Mrs. JEFFERS. I think that I was not familiar with their mass assignments.

Mr. TAVENNER. Both of them have testified here during the course of this hearing.

Do you recall, with regard to Dr. Bineman, whether meetings were held in his home?

Mrs. JEFFERS. I have attended meetings in his home.

Mr. TAVENNER. What type of meetings were they?

Mrs. JEFFERS. They were section meetings. I was not in a club group with him.

Mr. TAVENNER. That was a section meeting of the Professional Section?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. Interpreting that statement by your previous statement, that meant that he was a member of the section committee representing the doctors' cell; is that correct?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. And those meetings were held in his home?

Mrs. JEFFERS. Some of them were; not all.

Then, I have attorneys. Mr. Harold Sawyer, Mr. Hugh Miller, Mr. George Andersen.

Mr. TAVENNER. Excuse me now; you say Hugh Miller?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. All right; next?

Mrs. JEFFERS. Mr. George Andersen. Miss Hanna Wilber, Mr. Julius Keller and Mr. Charles Garry. I was not in a club with either of these last two. I was in clubs with their wives and knew from their conversations that their husbands were also Communist Party members. Mrs. Garry complained that her husband gave all her money to sustainers and would not give her enough.

Mr. TAVENNER. Do you recall Mrs. Garry's first name?

Mrs. JEFFERS. Louise.

Mr. TAVENNER. Will you state how you knew Mrs. Keller?

Mrs. JEFFERS. Mrs. Keller was a member of my club group.

Mr. TAVENNER. Can you tell us what her first name was?

Mrs. JEFFERS. I don't remember. She worked as a bookkeeper in a nightclub. I can't, at this moment. I don't recall. When she left her husband, we were informed in an executive session of our committee that we were to have no further contact with her because—what is the word when you take funds or stop the use of funds—

Mr. TAVENNER. Attach.

Mrs. JEFFERS. Yes; she had attached funds of her husband, part of which funds were part of Haymarket money.

Mr. TAVENNER. What kind of money?

Mrs. JEFFERS. The Haymarket Club's money.

Mr. TAVENNER. You mean of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. So, in the attachment, she caught some of the Communist Party funds?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What were you directed to do?

Mrs. JEFFERS. To have no further contact with her at all; not even to speak to her, if we should see her.

Mr. TAVENNER. Was that the equivalent of the expulsion of her?

Mrs. JEFFERS. Yes; I would say that that was the equivalent of expulsion.

Mr. TAVENNER. You have mentioned other lawyers, and you have explained fully as to Mr. Sawyer, who is president of your club. How did you know the others to be members of the Communist Party?

Mrs. JEFFERS. Mr. Miller was also president of our club at one time. Mr. Andersen was a member of the club before the lawyers set up a separate branch.

Mr. TAVENNER. Did you ever attend a meeting of the lawyers' cell of the Communist Party, which you called the Haymarket Club, after it was formed?

Mrs. JEFFERS. No.

Mr. TAVENNER. Did you ever attend a meeting of the doctors' cell after it was formed?

Mrs. JEFFERS. No.

Mr. TAVENNER. Up to this point, do you recall any special assignments given any of the persons whom you have identified?

Mrs. JEFFERS. I do not recall.

Mr. TAVENNER. All right; will you proceed, please.

Mrs. JEFFERS. That was all of the attorneys. Then, we come to teachers: Irene Miller; Ned Hanchett, who was assigned to the Teachers' Union.

Mr. TAVENNER. Stop there just a moment. What do you mean "assigned to the Teachers' Union"?

Mrs. JEFFERS. That was the organization in which he was working to influence their policies, perhaps legislation and so forth, pertaining to teachers. This was his mass assignment.

Mr. TAVENNER. Will you tell the committee at this point anything that you can recall regarding the activity of the Communist Party in the work of the American Federation of Teachers.

Mrs. JEFFERS. No, I do not, because at the time—I think at this time the club had already split and teachers were in one small cell, miscellaneous workers in another.

Mr. TAVENNER. The teachers at one time worked in a group of their own?

Mrs. JEFFERS. Yes. That was in the latter days of my membership in the party.

Mr. TAVENNER. Do you recall at any of the general meetings of your professional club whether or not any report was made of any character regarding the work that was being attempted?

Mrs. JEFFERS. I am sure that there were reports. This was required from time to time—progress—but I cannot recall any of the content.

Mr. TAVENNER. Did individuals who were assigned to mass organizations other than the Teachers' Union likewise make reports back to the parent organization of the work that they were doing?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Were those reports discussed?

Mrs. JEFFERS. They were discussed. You might get advice if a knotty problem had arisen in our organization. You might have a whole session on those as to what your attitude should be, what line you should take, and so on.

Mr. SCHERER. During all of this time, you were making reports regularly to the Federal Bureau of Investigation?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. The last name that you gave us was Hanchett.

Mrs. JEFFERS. Hanchett. The next one is Jane Scribner. She was not a doctor. She was a teacher then.

Mr. TAVENNER. What is she doing now?

Mrs. JEFFERS. Now, I think, she has her Ph. D. She was a bacteriologist.

Mr. TAVENNER. Spell her name, please.

Mrs. JEFFERS. S-c-r-i-b-n-e-r. She was interested in UOPWA.

Mr. TAVENNER. She was interested in what organization?

Mrs. JEFFERS. That is the Union of Office and Professional Workers of America. She was also interested in organizing technicians. I cannot give you any progress report on whatever was done about that, but I remember some discussion about her work in organizing it.

The next name is William Kerner.

Mr. TAVENNER. When you say reports, are you talking about reports made to Communist Party meetings?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Excuse me, you gave another name that I did not hear.

Mrs. JEFFERS. William Kerner.

Mr. TAVENNER. How do you spell that?

Mrs. JEFFERS. K-e-r-n-e-r. He was working with the American-Russian Institute and the California Labor School. He was an expert on Asian affairs. Mr. Jack Patten.

Mr. TAVENNER. Is that the Dr. Patten who testified here?

Mrs. JEFFERS. Yes; and a teacher whose name was Mort, but I don't know that I ever knew his last name.

Mr. TAVENNER. Do you know whether that was a nickname for Morton?

Mrs. JEFFERS. I could not tell you.

Mr. TAVENNER. All you know is Mort?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Proceed, please.

Mrs. JEFFERS. Mr. Thomas Hardwick. Miss Bea Melner.

Mr. TAVENNER. What is the profession?

Mrs. JEFFERS. These are all teachers. M-e-l-n-e-r.

Mr. TAVENNER. What is the spelling of her first name?

Mrs. JEFFERS. I imagine it must be Beatrice. We called her Bea. Jane Robinson was also a teacher.

Mr. TAVENNER. How do you know those people were members of this group?

Mrs. JEFFERS. I was in a branch with these people.

Mr. TAVENNER. What was the name after Bea Melner?

Mrs. JEFFERS. Jane Robinson. John Horowitz. That concludes the list of teachers.

Then we have two architects. Sydney Brisker, who was interested in AMVETS.

Mr. TAVENNER. How do you spell the last name?

Mrs. JEFFERS. B-r-i-s-k-e-r.

Mr. TAVENNER. What did you say he was?

Mrs. JEFFERS. Is there an organization AMVETS?

Mr. SCHERER. Yes; there is such an organization.

Mrs. JEFFERS. And Harold Dow; I do not recall his mass work.

Mr. SCHERER. Of course, let it be understood that your mentioning the AMVETS does not mean in any way that there was anything subversive about the AMVETS. I know you did not say that, but so

the record is abundantly clear, this particular architect's job was to be active within the AMVETS?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. It should not be taken as a reflection on these organizations, because the Communist Party has endeavored to infiltrate every phase of our social form of life.

Mrs. JEFFERS. And I think these organizations were unaware that these members were members of the Communist Party.

Mr. SCHERER. You can be sure of that with the AMVETS.

Mrs. JEFFERS. We had three artists; Victor Arnautoff.

Mr. TAVENNER. Can you spell it?

Mrs. JEFFERS. A-r-n-a-u-t-o-f-f, I believe.

Mr. TAVENNER. He has been a witness, Mr. Chairman, before this committee at a previous hearing, but has refused to answer material questions on the grounds that to do so might tend to incriminate him.

Mr. SCHERER. I remember him very well.

Mrs. JEFFERS. Ray Burrell.

Mr. TAVENNER. Will you give us the spelling?

Mrs. JEFFERS. B-u-r-r-e-l-l, I think.

Mr. TAVENNER. Ray Burrell.

Mrs. JEFFERS. In the early days of my party membership I attended one meeting at the studio of Emmy Lou Packard.

Mr. TAVENNER. Give us the name again.

Mrs. JEFFERS. E-m-m-y L-o-u P-a-c-k-a-r-d.

Mr. TAVENNER. What was the identifying information that you gave regarding her?

Mrs. JEFFERS. I attended one meeting in her studio.

Mr. TAVENNER. Was she present?

Mrs. JEFFERS. I think so.

We had three clerical workers—Doris Kottnauer, Celia Wilby, and Peggy Patten.

We had one newspaper person to my knowledge, who was Jack Eshleman, and his mass work was the Newspaper Guild.

Mr. TAVENNER. Was he the witness on the stand this morning?

Mrs. JEFFERS. I was not present during his testimony. We had three musicians.

Mr. TAVENNER. Mr. Chairman, Celia Wilby was under subpoena, but due to a doctor's certificate the committee felt that she should be excused and she was excused. You may proceed.

Mrs. JEFFERS. Under musicians, we have Mary Burrell. Lev and Frances Shorr.

Mr. TAVENNER. Is the spelling "es" or "is"?

Mrs. JEFFERS. "es" I would judge.

Mr. TAVENNER. Are they husband and wife?

Mrs. JEFFERS. Yes, sir. We had one scientist whose name was Jack. His party dues were brought in by Dad [Isaac] Folkoff, and we knew him only by "Dad."

Mr. TAVENNER. How do you know that he was a scientist?

Mrs. JEFFERS. "Dad" said so.

Mr. TAVENNER. Did he ever attend a meeting?

Mrs. JEFFERS. He attended one meeting.

Mr. TAVENNER. To whom did Folkoff pay the dues for Jack?

Mrs. JEFFERS. I think he paid me.

Mr. TAVENNER. You say you think he did? Are you uncertain?

Mrs. JEFFERS. No; I am not.

Mr. TAVENNER. Why were the dues of this person by the name of Jack paid by Folkoff?

Mrs. JEFFERS. Apparently this was a very hush-hush man who did not want to attend meetings, but his dues were brought in and he was a member. There was no other reason for him to pay dues.

Mr. TAVENNER. Do you recall for how long a period of time dues were paid to you for this person?

Mrs. JEFFERS. For a year at least.

Mr. TAVENNER. Can you fix the approximate period of time when that occurred?

Mrs. JEFFERS. I would hesitate to do so.

Mr. TAVENNER. Was Folkoff a member of the professional group?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I noticed you used the term "Dad" Folkoff. What was his real name?

Mrs. JEFFERS. His name was Isaac, but we called him Dad.

Mr. TAVENNER. Can you recall this person by the name of Jack well enough to give us any description of him?

Mrs. JEFFERS. I can't tell you whether he was blond or brunette. I can only tell you that he was the most unscientific person I ever saw, just a sloppy looking man, very silent.

Mr. TAVENNER. Very silent?

Mrs. JEFFERS. Yes; and not tall.

Mr. TAVENNER. What about the age range, as well as you can recall now? Was he a young man or an old man or middle aged man, or how would you describe him?

Mrs. JEFFERS. I would say he was a man in his early forties, possibly late thirties, but right in there.

Mr. TAVENNER. Was anything said about the character of work in which he was engaged?

Mrs. JEFFERS. No; only that he was a scientist. We had another, miscellaneous workers—

Mr. TAVENNER. Let me ask you, did you have an occasion at any time to become acquainted with members of the professional group of the Communist Party at Berkeley?

Mrs. JEFFERS. Never.

Mr. TAVENNER. All right.

Mrs. JEFFERS. We had a number of miscellaneous workers, one of whom was John Lindberg who was working with the CIO; Norman Canright.

Mr. TAVENNER. Spell the name.

Mrs. JEFFERS. C-a-n-r-i-g-h-t.

Isaac Folkoff, of whom you spoke; Dave Atkinson, who is deceased.

Mr. TAVENNER. What is the spelling of that name?

Mrs. JEFFERS. A-t-k-i-n-s-o-n. Laura Atkinson, his sister; Lillian Silver.

Mr. TAVENNER. What is the last name?

Mrs. JEFFERS. Silver. Vern Smith; Emerson Street.

Mr. TAVENNER. Do you know how Emerson Street was employed?

Mrs. JEFFERS. I think that he was in publicity or public relations. I think he prepared a brochure for us at one time as being a part of his normal work. Then, there was Decca Treuhaft. She was not a member of my group but she did give 1 or 2 educational contributions to our group, coming in from the county group, calling in with some things of importance.

Mr. TAVENNER. Was it the practice to have outsiders; that is, other Communist Party members who were not members of the professional cell of the Communist Party to come before your meeting?

Mrs. JEFFERS. We seldom invited them, but sometimes the county thought it was well to send a person around to every club when an important subject was in the air, to give an educational line, to inform the membership, and it was best to have this done by an expert rather than having it handled by a club member who was not fully familiar with the subject, and I think this is the way in which Mrs. Treuhaft came to us. Frances Watson.

Mr. TAVENNER. "is" or "es"?

Mrs. JEFFERS. "es" I would judge.

Mr. TAVENNER. It was a woman?

Mrs. JEFFERS. Yes; and she is in publicity or public relations, as you choose.

Ed Young, who was at one time chairman of our group. I do not know what his work was nor what his mass work was. If I did know it, I do not any longer recall it. That completes the list of miscellaneous workers. Now I have some housewives.

Mr. TAVENNER. What is your explanation as to how the housewives got into the professional group of the Communist Party?

Mrs. JEFFERS. If their husbands were professional people, for reasons of security their wives were not in an open group. Helen Miller.

Mr. TAVENNER. Whose wife was she?

Mrs. JEFFERS. Hugh Miller. Her mass work was League of Women Voters.

Mr. TAVENNER. Do you know whether she had been employed in Government service in the city of Washington?

Mrs. JEFFERS. I could not tell you. Louise Garry, whose mass work was Women's International League for Peace and Freedom.

Louise Bransten, whose mass work I do not know.

Mr. TAVENNER. What was the reason for Louise Bransten being a member of the Professional Section of the Communist Party?

Mrs. JEFFERS. This might be pure speculation on my part. She was not married at the time. She was an extremely wealthy woman and her family was wealthy, and that might be the reason.

Mr. TAVENNER. At least she was in a position to aid the Communist Party financially?

Mrs. JEFFERS. Yes; and did.

Mr. TAVENNER. And did?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Can you tell us anything more about that? I do not want you to rely on purely hearsay statements about it.

Mrs. JEFFERS. Perhaps I had better not say at all, because it would be hearsay.

Mr. TAVENNER. Did you ever attend a meeting in her home?

Mrs. JEFFERS. Yes.

Mr. SCHERER. A Communist Party meeting?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Louise Bransten was called before this committee in Washington quite a period of time ago. She refused to answer any material questions regarding contributions to the Communist Party or her membership in it, relying upon the provisions of the fifth amendment, claiming that to answer the questions might tend to incriminate her.

Mrs. JEFFERS. After Louise Bransten, Ann Glass, Lillian Gordon. I do not know of her mass work. She had a very sick baby over a period of years—Lillian Gordon.

Mr. TAVENNER. Whose wife was she? Was she married?

Mrs. JEFFERS. I know by hearsay, but I do not know by my own knowledge. Aline Pockman.

Mr. TAVENNER. How do you spell it?

Mrs. JEFFERS. I spell it A-l-i-n-e, but I do not know that that is right. That completes my list.

Mr. TAVENNER. Do you recall her husband's name?

Mrs. JEFFERS. Aline's?

Mr. TAVENNER. Yes.

Mrs. JEFFERS. Yes; Leonard Pockman.

Mr. TAVENNER. Leonard Pockman is the person you testified about yesterday as the one who came to you to investigate you before taking you into the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Mr. Chairman, Mr. Leonard Pockman was subpoenaed. For medical reasons, he was excused.

Is there anything else you could tell this committee that may be of help to it in connection with the activities of the Professional Section of the Communist Party in San Francisco?

Mrs. JEFFERS. At the moment, no.

Mr. SCHERER. Do you have any further questions?

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Mr. McIntosh, do you have any further questions?

Mr. MCINTOSH. No, sir.

Mr. SCHERER. The job of being an undercover agent for the Federal Bureau of Investigation is a difficult one and an unpleasant one. I know that many, many times you have been called by certain small segments of the population an informer, stool pigeon, and a perjurer. You have rendered a valuable service to the Government of the United States. Too many people do not appreciate that service. However, I think sometime in the near future, when the American people as a whole understand the nature of the Communist conspiracy and what it is trying to do—if it is any satisfaction to you—I think at that time they will fully appreciate the contribution which you and persons like you have made for your Government and the security of your Government. This committee wants to thank you for your assistance to it in these hearings. You are excused.

Mr. TAVENNER. Mr. Sydney H. Brisker.

Mr. MACK. I am an attorney representing Mr. Brisker, and I wish, before he appears before you, to object to his being called, to object to his being asked any questions on the following grounds.

Mr. SCHERER. Would you step up to the bench. Rule 7 of the committee, I think you are aware of it.

Mr. MACK. I have been engaged in colloquy with the other members sitting. I stated my objections to them which are to go on the record. The objections are that there is no quorum of the original subcommittee, and that there is no showing, so far as I know, although this is apparently not necessarily so in fact, that the new subcommittee appointed was not appointed in writing and that there are not both Democrats and Republicans as required by rule 25-A of the House of Representatives. I might say Mr. Scherer has explained to me the circumstances under which he overruled my objection.

Mr. SCHERER. Will you again call the witness.

Mr. TAVENNER. Mr. Sydney H. Brisker.

Mr. SCHERER. Will you raise your right hand, please? You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRISKER. I do.

TESTIMONY OF SYDNEY H. BRISKER, ACCCOMPANIED BY COUNSEL, JULIAN MACK

Mr. TAVENNER. Will you state your name, please, sir?

Mr. MACK. One moment, counsel, please.

Mr. BRISKER. Mr. Counsel, I would like to say that any question which I answer will be made under protest and will be subject to the objections that were raised by my attorney just previous to my being called.

Mr. TAVENNER. Will you state your name, please?

Mr. BRISKER. Sydney H. Brisker.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MACK. My name is Julian Mack; I am a member of the California bar, practicing in San Francisco.

Mr. TAVENNER. When were you born?

Mr. BRISKER. March 30, 1914, Meadville, Pa.

Mr. TAVENNER. Where do you reside?

Mr. BRISKER. In the city of San Francisco.

Mr. TAVENNER. How long have you been a resident of California?

Mr. BRISKER. I have been a resident of California since 1945.

Mr. TAVENNER. Have you lived in the city of San Francisco continuously during that period?

Mr. BRISKER. No, sir; I lived in the city of San Francisco from the end of 1945 until the end of 1950, at which time I moved to the city of Los Angeles.

Mr. TAVENNER. You moved to Los Angeles in 1950?

Mr. BRISKER. That is right.

Mr. TAVENNER. When did you return to San Francisco?

Mr. BRISKER. I returned to San Francisco about 2 years ago.

Mr. TAVENNER. Did you live in Los Angeles from 1950 until about 2 years ago?

Mr. BRISKER. That is correct, sir.

Mr. TAVENNER. What is your profession or occupation?

Mr. BRISKER. I am an architect.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. BRISKER. I am a graduate of Dale University, bachelor of science degree in industrial engineering. I attended graduate school at Lehigh University. I studied architecture at Drexel Institute, Engineer School of Architecture and the University of Architecture.

Mr. TAVENNER. When did you complete your last work in that field?

Mr. BRISKER. My last work in that field was at the University of California in the spring of 1946.

Mr. TAVENNER. Will you tell the committee, please, if you know whether or not members of the Professional Section of the Communist Party in the city of San Francisco were expected to engage in Communist Party work in mass organizations?

Mr. BRISKER. Mr. Counsel, I will state that I am not a member of the Communist Party. I have no knowledge of the existence of a professional section of the Communist Party.

As to your particular question, I decline to answer that question on the ground of the first amendment, the due process and self-incriminating clauses of the fifth amendment, and the recent ruling in the Watkins case regarding jurisdiction.

Mr. SCHERER. Witness, did you say you have no knowledge of the existence of a professional cell in the Communist Party? Is that correct?

Mr. BRISKER. That is correct.

Mr. SCHERER. Do you mean you have no knowledge of the existence of a professional cell at this time? Is that what you mean?

Mr. BRISKER. That is correct.

Mr. SCHERER. Did you ever have knowledge of a professional cell of the Communist Party in the bay area?

Mr. BRISKER. I decline to answer that question on the same grounds previously stated.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. According to the Daily People's World of July 14, 1947, you were a delegate-at-large for the coming year to the American Veterans Committee. This article states that Norman Leonard, Dr. Asher Gordon, among others, were also delegates so named.

Is that correct? And if you desire to look at the document, I will be glad to hand it to you.

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of a professional cell of the Communist Party on July 14, 1947?

Mr. BRISKER. I decline to answer that question for the same previous reasons.

Mr. TAVENNER. Were you assigned to work within that organization by the Communist Party?

Mr. BRISKER. I decline to answer that question on the same grounds as previously stated.

Mr. TAVENNER. I have before me the Daily Worker of New York under date of November 1, 1948. The page is devoted to an advertisement entitled, "The Heroes of Yesterday Speak Up Today! World War II Vets Demand Dismissal of Indictments of 'The Twelve.'" It is a letter to President Truman and Attorney General Tom Clark. The first name appearing among a great number who

signed is that of Sydney H. Brisker, San Francisco, Calif. Will you examine it please and state whether or not you signed such a letter?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. On November 1, 1948, were you a member of a professional group of the Communist Party in San Francisco?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

I would like to state that I will not answer any questions regarding my past affiliations, memberships or associations.

Mr. SCHERER. May I ask you, Witness, were you in the room when the last witness, Dorothy Jeffers, testified?

Mr. BRISKER. I was, sir; yes, sir.

Mr. SCHERER. Did you hear her testimony, insofar as it concerned you?

Mr. BRISKER. I did, sir.

Mr. SCHERER. Is there anything that she told this committee, insofar as it related to you and your activities, which was untrue?

Mr. BRISKER. She stated that I was a member of the AMVETS, and that is not a true statement.

Mr. SCHERER. Was she telling the truth when she said that you were a Communist and a member of the professional cell of the Communist Party?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I do not exactly remember her testimony as to whether she said you were a member of AMVETS. She may have said that. It was my understanding of her testimony that you were assigned as a member of a professional cell of the Communist Party to work in the AMVETS organization. I may be wrong, but that is my understanding of her testimony. I do not believe she said you were a member.

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. In light of your statement, I want you to examine again the document of July 14, 1947, in which you are stated to have been elected a delegate-at-large for the coming year in the AVC.

Mr. MACK. Counsel, I believe if you will call a 1-minute recess I might straighten you out on some facts.

Mr. SCHERER. I did not understand you.

Mr. MACK. If I might have colloquy with your counsel.

Mr. SCHERER. The committee will be in recess, as requested by counsel for the witness.

(Brief recess taken.)

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, counsel has very properly called my attention to the fact that the document which I handed the witness relates to the American Veterans Committee, and that is the document I described, whereas the testimony of Mrs. Jeffers had to deal with AMVETS, which is an entirely different organization.

The witness replied to your question a few moments ago that he had never been a member of AMVETS; is that correct?

Mr. BRISKER. That is correct.

Mr. TAVENNER. Have you been a member of the organization mentioned in the document which I produced, the American Veterans Committee?

Mr. BRISKER. I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Were you not elected a delegate along with the other persons I mentioned, Dr. Asher Gordon and at least one other person whose name I cannot recall, for the year beginning in July 1947?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you assigned by the professional cell of the Communist Party or by anyone in that party to work within the group known as the American Veterans Committee?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. You stated that you are not a member of the Communist Party now. Will you tell the committee, please, over how long a period prior to this date you have not been a member of the party?

Mr. BRISKER. I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. You said you do not know of the existence at this time of a professional group of the Communist Party in San Francisco. Did you know of the existence of such a group during the year 1946 or at any time during that year?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. So you will give the committee no information relating to the subject of its inquiry other than as to the present moment when you say you know nothing about it?

Mr. BRISKER. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Do you have any questions?

Mr. MCINTOSH. I have no questions.

Mr. SCHERER. Before the witness is excused, I want to make this statement: A number of attorneys who have appeared before this committee, representing witnesses at this particular committee hearing, have talked to me about the fact that there might be some possible reflection against them for having appeared as attorneys on behalf of some of the witnesses. I am making this statement at their request and I am happy to do so. There should be no reflection whatsoever cast upon any attorney who appears under the rules of this committee. A witness has the privilege of counsel.

We welcome counsel. Often it expedites the hearing to have a witness represented by counsel. I might say that it is the opinion of the committee, and I think I speak for Mr. MCINTOSH, that the lawyers who have appeared so far in this hearing have conducted themselves in an exemplary manner and in full accord with the provisions of the law and have ably and conscientiously and properly represented their clients. I am happy to make that statement.

The witness is excused.

(Witness excused.)

Mr. SCHERER. The committee will recess until 1:30.

Will some of the witnesses who are subpoenaed for 2 o'clock this afternoon attempt to be here at 1:30 so we might expedite the hearing?

If you are not, of course, we will not proceed until 2 o'clock.

(Whereupon, at 12 noon, the committee recessed to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION—FRIDAY, JUNE 21, 1957

Mr. SCHERER. The committee will be in session. Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Charles R. Garry, will you come forward, please?

Mr. JAMES PURCELL. I am a member of the bars of the State of California and of the Supreme Court of the United States. I appear here for Mr. Garry, as his attorney, and I make a motion to quash the subpoena which has been heretofore issued and served upon him. I desire to propose for the record a motion to quash the subpoena heretofore served upon Mr. Garry upon the grounds that that subpoena was issued on the 9th day of May 1957, and, according to the statement of the gentleman who presided prior to yourself, the resolution authorizing this particular investigation and the resolution authorizing the investigation incidental thereto was moved and passed on the 18th day of May 1957; and upon the further ground that the committee which is now sitting is not the committee before which Mr. Garry was directed to appear, it being a different subcommittee; and upon the further ground that section 25-A of the Rules of the House provide that the subcommittee shall be made up of members of both parties, our information being that the members who are now sitting belong to the same party.

Mr. SCHERER. As you know, any legal objections are to be made to a court, and what you had to say is noted in the record at this hearing, and I am not in a position to overrule your objection because we have no such authority, and those objections will be made in the proper court at the proper time, if necessary. So, with that statement let us proceed.

Will the witness rise and be sworn? Do you solemnly swear that the testimony that you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GARRY. Yes; I do.

TESTIMONY OF CHARLES R. GARRY, ACCOMPANIED BY COUNSEL,
JAMES C. PURCELL

Mr. TAVENNER. Will you please state your name, age, and occupation?

Mr. GARRY. My name is Charles R. Garry, and I am an attorney at law, a member of the bar of the State of California, a member of the bar of the Supreme Court of the United States, age 48.

Mr. TAVENNER. How do you spell your last name?

Mr. GARRY. G-a-r-r-y.

Mr. TAVENNER. Mr. Purcell, I believe you should note your appearance for the benefit of the record.

Mr. PURCELL. Let the record show that I am appearing as an attorney for the witness.

My name is James C. Purcell. I am a member of the bar of the State of California, admitted to practice in all of the State courts of California; a member of the bar of the various Federal courts that sit in this jurisdiction; and a member of the bar of the Supreme Court of the United States.

Mr. GARRY. Before we start, Mr. Chairman, I wonder if someone would bring me some water, because I want to be able to articulate as best I can.

Mr. TAVENNER. How long have you been engaged in the practice of law in San Francisco, Mr. Garry?

Mr. GARRY. I was admitted to practice law in November 1938.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. GARRY. My formal education has not been very much, Mr. Tavenner. I have never been to college. I finished high school in 1929. I worked and ran a business, studied law during the depression, and was admitted to the practice of law in 1938.

Mr. TAVENNER. Mr. Garry, I have before me thermofax copies of various issues of the Daily People's World. It is noted from an article appearing on September 2, 1952, that you were at that time the president of the National Lawyers Guild and that at the same time Hugh B. Miller was the secretary.

I note, also, from an issue of the same paper dated August 28, 1953, that you were at that time president of the National Lawyers Guild, and another issue dated August 13, 1954, states you were president of the guild at that time. By president, I mean president of the local chapter of the National Lawyers Guild here in San Francisco. Is that substantially correct according to your recollection?

Mr. GARRY. Mr. Chairman, before I start answering any questions, I want to respectfully, if I may, as a member of the bar of this State, with all of the respect that I hold for hearing bodies, to make some substantial objections to this particular hearing. I am here under protest, Mr. Chairman. I want to incorporate what my attorney, Mr. Purcell, just stated to this committee.

Mr. TAVENNER. I think that is unnecessary. He has made his statement to the committee. It has been made a matter of record.

Mr. GARRY. I am not trying to be argumentative with you.

Mr. TAVENNER. I think I should ask you to answer the question.

Mr. GARRY. I will answer the question and I will not hesitate to answer it, but I want to protect my own record. You brought me in here under protest, and I want the record to show that this authority that you are asking questions of me at the present time is without legal foundation, and I am giving you my reasons for it.

I cannot state it any other way. Your question was, was I president of the National Lawyers Guild. Is that your question?

Mr. TAVENNER. No; if you were president of the local chapter in San Francisco.

Mr. GARRY. The chapter—

Mr. TAVENNER. Over the period that I mentioned.

Mr. GARRY. And you read from the Daily People's World; is that correct?

Mr. TAVENNER. Yes.

Mr. GARRY. Mr. Chairman, I don't know what period of time I was president of the National Lawyers Guild in this area or the San Francisco chapter. I resent very highly, sir, your picking out just the isolated newspaper, the Daily People's World, when probably the same account of that same period of time, the San Francisco Recorder, our legal paper, had the same announcement. I was the president for whatever period of time that you have official record of. I do not have my official records with me. Had you told me what you wanted to question me about, I would have brought my books and records, and I would be able to try to bring my diary, if I could, to see what I have done during that period. I was very proudly president of that Lawyers Guild and I am still an active member of the Lawyers Guild, if that will please you, sir.

Mr. SCHERER. Proceed to the next question.

Mr. TAVENNER. Have you held any other positions in the National Lawyers Guild?

Mr. GARRY. I might have. I do not recall. I have been a member since the day I started practicing law in 1938.

Mr. SCHERER. He said he might have, but he does not recall. Proceed to the next question.

Mr. TAVENNER. Will you tell the committee, please, if you know how many persons were members of the local chapter of the National Lawyers Guild who were members of the Professional Section of the Communist Party here in San Francisco during the period you held the office of which we have spoken?

Mr. GARRY. Mr. Chairman, I object to the jurisdiction of this body to ask a question like that, and I would at this time ask the pertinency of that question.

Mr. SCHERER. Mr. Tavenner, will you explain to him the pertinency of the question?

Mr. TAVENNER. Under the ruling in the Watson case—

Mr. GARRY. The name is Watkins. Let's get the record straight. The citation I have is 25 Law Week, page 3410.

Mr. SCHERER. Just a minute. Mr. Tavenner is explaining to you the pertinency—

Mr. GARRY. He is confused, and I am just trying to straighten him out so it will expedite the time of the committee.

Mr. TAVENNER. I think you have consumed a good bit of its time unnecessarily.

Under that decision I will endeavor to state what the subject and what the pertinency of the question is. The subject was read by the chairman in his opening statement here. We are endeavoring to, and we are inquiring at this time as to the activities of the Professional Section of the Communist Party here in San Francisco. That is, the committee desires to know the extent, character, and objects of the activities of that group. It desires to know that because it is considering important legislative changes relating to the Communist Party, possibly even to the extent of legislation outlawing the Communist Party itself—possibly that far. So much for the subject.

Now, as to the pertinency of the question to that subject and the committee's reasoning. As the decision says, it is connective reasoning of the question to the subject. The committee, in investigations con-

ducted in Chicago December 14, 1955, heard a witness by the name of Mortimer Riemer, who was the first executive secretary of the National Lawyers Guild. Mr. Riemer was called in connection with investigation that the committee was making into the infiltration of Communists into various agencies of the United States Government. Mr. Riemer, an attorney, testified that he became a member of the Communist Party in the city of New York. He named a number of attorneys who were in that group with him. He advised the committee of the activities of that group in an organization known as the Lawyers Security League of the City of New York, and how it developed into the formation of the National Lawyers Guild.

He testified that, at the first convention of the National Lawyers Guild in Washington, he and other members of the Communist Party, including Mr. Robert Silberstein, who later succeeded him as the secretary of the National Lawyers Guild, Joseph Brodsky, and Harry Sacher, and others met to determine the activities that should be exercised in that convention in the preparation of the slate for the election of its officers, including himself as its secretary. This committee, in Los Angeles, discovered that Mr. Silberstein, who succeeded him, met with the Communist Party group of lawyers in the National Lawyers Guild in Los Angeles to discuss this problem.

Mr. Riemer testified that he served as the executive secretary of that organization for a period of years until Ferdinand Pecora, of New York, raised the question of communism in that organization, and many people withdrew from it, including Mr. Pecora; and shortly after he retired from it. Through the assistance of Nathan Witt, Mr. Riemer procured a position with the National Labor Relations Board in Washington.

In the course of our hearings in Los Angeles, Mr. David Aaron, an attorney and a member of the National Lawyers Guild and a member of the Communist Party, the professional group in Los Angeles, testified before this committee that all of the members of his Communist Party group affiliated themselves with the National Lawyers Guild. The guild, he stated, was to be made as much as possible the legal arm to speak for and represent the Communist Party. We have heard testimony here, during the course of this hearing, that members of the legal group of the Communist Party are frequently taught in meetings of the Professional Section regarding their activities in the guild. So, I think that points up without further explanation why it is that this question is pertinent to the subject we are discussing. Now will you answer the question, please?

Mr. GARRY. Mr. Chairman, I want to raise a point of personal privilege, if I may.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. Mr. Chairman, the Supreme Court of the United States only Monday in the Watkins decision—

Mr. SCHERER. We are familiar with the Watkins decision.

Mr. GARRY. I am glad you are, and I want to remind you that it said that a witness who had been brought up for the purpose of ridicule and exposure need not respond to this committee; and I charge you, Mr. Chairman, in your opening statements here Monday with making the following statements. May I read them to you?

Mr. SCHERER. No; you may not.

Will you proceed with the next question, Mr. Tavenner? He has had ample opportunity to answer.

Mr. GARRY. Do you refuse to let me answer that question?

Mr. SCHERER. I have given you an opportunity.

Mr. GARRY. No; you have not. You said to me the other day when I was sitting here in this hearing room, when you had me under subpena, that this "statement of the board of governors further complains that one of the lawyers was identified in the course of the proceedings as a Communist. Since when have lawyers who are Communists been immune from exposure or identification?" And I ask you, sir, did you bring me here for the purposes of exposure and identification? Are you in good faith when you ask me to come here? Not one single member of the committee contacted me to see if I was willing to be a witness here, whether I had any information to give you here. You did not do that.

Mr. MCINTOSH. You are going to have an opportunity to answer that question, and you may dispose of it as you wish.

Mr. GARRY. Thank you, Mr. McIntosh. I appreciate your courtesy.

I would like to know if I will be permitted to state my own position in my own way, which I have gone over with counsel and counsel has advised me.

Mr. MCINTOSH. You have taken a number of minutes now without acknowledging the question or declining to answer the question. I ask you if you wish to answer the question, please proceed.

Mr. GARRY. What I am asking, Mr. McIntosh, is an opportunity to state my full position in opposition to the jurisdiction of this committee. The Supreme Court has very clearly laid down——

Mr. SCHERER. Please, now.

Mr. GARRY. I thought I was talking to Mr. McIntosh. Are you interrupting me?

Mr. SCHERER. I certainly am.

Mr. GARRY. I am answering Mr. McIntosh. He has been a perfect gentleman throughout this entire hearing.

Mr. SCHERER. Without further direction, the police officers are ordered now and directed to remove any person whom they see violating the order of this committee by making a demonstration, either for or against a witness or for or against anything that may be developed by the committee. Will the police officers, without further order from me, when they notice any demonstration upon the part of any individual, remove him from the room.

I have directed you to answer the question. If you insist on making a speech and haranguing the committee and not answering the question, I am going to ask counsel to proceed to the next question.

Mr. GARRY. I am willing to answer that question, sir.

Mr. TAVENNER. Please do.

Mr. GARRY. Do you want counsel to answer the question or do you want me to answer the question?

Mr. TAVENNER. Please do.

Mr. GARRY. Mr. Chairman, I am going to decline to answer that question under advice of counsel, and I am going to state the reasons why. Now, will I be permitted to state my full and complete reasons,

or will I be interrupted from the reasons I am going to give? I am not going to make a speech.

Mr. TAVENNER. As long as you are not going to make a speech, and invoke your constitutional grounds, you have a perfect right to proceed.

Mr. GARRY. The grounds that I choose are going to be the grounds given to me by advice of counsel and not by the chairman of this committee. That is why I have employed counsel to be here.

I am taking advice from him and no one else in this matter.

The Supreme Court of the United States only Monday said it would be difficult to manage a less explicit authorization of the resolution of Congress than the one that this particular committee works on, and let me read the committee's resolution.

Mr. SCHERER. We are familiar with that resolution.

Mr. GARRY. Then, we will just incorporate that.

Mr. SCHERER. We will incorporate it into the record.¹

Mr. GARRY. "Who can define the meaning of 'un-American'?" says the Supreme Court. "What is that single, solitary 'principle of the form of government as guaranteed by our Constitution'?" There is no need to dwell on the language, however. At one time, perhaps, the resolution may have been read narrowly to confine the Committee to the subject of propaganda. The events that have transpired in the 15 years before the interrogation of the petitioner make such a construction impossible at this date.

"The members of the Committee have clearly demonstrated that they did not feel themselves restricted in any way to propaganda in the narrow sense of the word. Unquestionably the Committee conceived of its task in the grand view of its name. Un-American activities were its target, no matter how or where manifested. Notwithstanding the broad purview of the Committee's experience, the House of Representatives repeatedly approved its continuation. Five times it extended the life of the special committee. Then it made the group a standing committee of the House. A year later, the Committee charter was embodied in the Legislative Reorganization Act. On five occasions, at the beginning of sessions of Congress, it has made the authorizing resolution part of the rules of the House. On innumerable occasions it has passed appropriation bills to allow the Committee to continue its efforts.

"Combining the language of the resolution with the construction it has been given, it is evident that preliminary control of the Committee exercised by the House of Representatives is slight or non-existent. No one could reasonably deduce from the charter the kind of investigation that the Committee was directed to make. As a result, we are asked to engage in a process of retroactive rationalization. Looking backward from the events that transpired, we are asked to uphold the Committee's actions unless it appears that they were clearly not authorized by the charter. As a corollary to this inverse approach, the Government urges that we must view the matter hospitably to the power of the Congress—that if there is any legislative purpose which might have been furthered by the kind of disclosure sought, the witness must be punished for withholding it.

¹ See page vi.

No doubt every reasonable indulgence of legality must be accorded to the actions of a coordinate branch of our Government. But such deference cannot yield to an unnecessary and unreasonable dissipation of precious constitutional freedoms.

"The Government contends that the public interest at the core of the investigations of the Un-American Activities Committee is the need by the Congress to be informed of efforts to overthrow the Government by force and violence so that adequate legislative safeguards can be erected. From this core, however, the Committee can radiate outward infinitely to any topic thought to be related in some way to armed insurrection. The outer reaches of this domain are known only by the content of 'un-American activities.' Remoteness of subject can be aggravated by a probe for a depth of detail even farther removed from any basis of legislative action. A third dimension is added when the investigators turn their attention to the past to collect minutiae on remote topics, on the hypothesis that the past may reflect upon the present.

"The consequences that flow from this situation are manifold. In the first place, a reviewing court is unable to make the kind of judgment made by the Court in *United States v. Rumley, supra*. The Committee is allowed, in essence, to define its own authority, to choose the direction and focus of its activities. In deciding what to do with the power that has been conferred upon them, members of the Committee may act pursuant to motives that seem to them to be the highest. Their decisions, nevertheless, can lead to ruthless exposure of private lives in order to gather data that is neither desired by the Congress nor useful to it. Yet, it is impossible in this circumstance, with constitutional freedoms in jeopardy, to declare that the Committee has ranged beyond the area committed to it by its parent assembly because the boundaries are so nebulous.

"More important and more fundamental than that, however, it insulates the House that has authorized the investigation from the witnesses who are subjected to the sanctions of compulsory process. There is a wide gulf between the responsibility for the use of investigative power and the actual exercise of that power. This is an especially vital consideration in assuring respect for constitutional liberties. Protected freedoms should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need.

"It is, of course, not the function of this Court to prescribe rigid rules for the Congress to follow in drafting resolutions establishing investigating committees. That is a matter peculiarly within the realm of the Legislature, and its decisions will be accepted by the courts up to the point where their own duty to enforce the constitutionally protected rights of individuals is affected. An excessively broad charter, like that of the House Un-American Activities Committee, places the courts in an untenable position if they are to strike a balance between the public need for a particular interrogation and the right of citizens to carry on their affairs free from unnecessary governmental interference. It is impossible in such a situation to ascertain whether any legislative purpose justifies the disclosures sought and, if so, the importance of that information to the Congress in furtherance of its legislative function. The reason no court can make the critical judg-

ment is that the House of Representatives itself has never made it. Only the legislative assembly initiating an investigation can assay the relative necessity of specific disclosures.

"Absence of the qualitative consideration of petitioner's questioning by the House of Representatives aggravates a serious problem, revealed in this case, in the relationship of congressional investigating committees and the witnesses who appear before them. Plainly these committees are restricted to the missions delegated to them, i. e., to acquire certain data to be used by the House or the Senate in coping with a problem that falls within its legislative sphere. No witness can be compelled to make disclosures on matters outside that area. This is a jurisdictional concept of pertinency drawn from the nature of a congressional committee's source of authority. It is not wholly different from nor unrelated to the element of pertinency embodied in the criminal statute under which petitioner was prosecuted. When the definition of jurisdictional pertinency is as uncertain and wavering as in the case of the Un-American Activities Committee, it becomes extremely difficult for the Committee to limit its inquiries to statutory pertinency.

"Since World War II, the Congress has practically abandoned its original practice of utilizing the coercive sanction of contempt proceedings at the bar of the House. The sanction there imposed is imprisonment by the House until the recalcitrant witness agrees to testify or disclose the matters sought, provided the incarceration does not extend beyond adjournment. The Congress has instead invoked the aid of the Federal judicial system in protecting itself against contumacious conduct. It has become customary to refer these matters to the United States Attorneys for prosecution."

Mr. TAVENNER. Under the criminal law?

Mr. GARRY. Under the criminal law; yes, sir. I am skipping. Now—"It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense. The 'vice of vagueness' must be avoided here as in all other crimes. There are several sources that can outline the 'question under inquiry' in such a way that the rules against vagueness are satisfied. The authorizing resolution, the remarks of the chairman or members of the Committee, or even the nature of the proceedings themselves might sometimes make the topic clear. This case demonstrates, however, that these sources often leave the matter in grave doubt."

Further digressing for a moment from the opinion of this court, and as part of my grounds for not answering, declining to answer this question, I wanted to refer to what this court said when it said "You can call upon the statements of the chairman, as well as other members of the Committee." The present acting chairman of this sub-committee, in a point of personal privilege, made it very abundantly clear that his aim and object was to expose lawyers in their beliefs and their conduct in the past which this particular body clearly—

Mr. SCHERER. May I interrupt just a moment.

Mr. GARRY. Yes; I am sorry, Mr. Scherer.

Mr. SCHERER. It was a criticism of lawyers like yourself and conduct of individuals like you before this committee that I was criticizing.

Mr. GARRY. I incorporate each and every word, each and every syllable in the Watkins case and make it a part of this record, and if the committee does not have it and they wish to make this as a Garry exhibit No. 1, I will be very happy to give you this document to make it part of the record.

Mr. SCHERER. So the record is clear; I again direct you to answer the question.

Mr. GARRY. I am answering it.

The second reason is that this committee came here specifically and purposefully to expose lawyers and members of the bar of this State, and I want to incorporate and make part of the record the entire statement of Mr. Scherer.

Mr. SCHERER. It is already a part of the record.

Mr. GARRY. And I want to make it a part of my answer at this time and incorporate the remarks that the chairman just made in reference to myself. The chairman, without taking any evidence about my integrity and my standing in the bar and in the community in which I reside, the relationship that I have to the members of the community itself and to the judiciary of this State, made remarks of his own without any opportunity to cross-examine the chairman, without the chairman being under oath, made certain factual statements which I would like to have the opportunity to have my attorney at this time cross-examine.

My third reason for declining to answer this question, in addition to that which I have already stated, I want to refer this body to the case of *Henry W. Grunewald, Petitioner v. United States of America*, sometimes commonly referred to as the Halperin decision.

Mr. SCHERER. I again direct you to desist from what you are obviously attempting to do and to answer the question.

I hope representatives of the State bar of California are observing this proceeding.

Mr. GARRY. Mr. Chairman, I am adopting—and I am not making a speech—I am adopting the language of the highest body of this country, language that I cannot possibly use myself. I do not have the intellectual learning that the Chief Justice of this country has. He has studied this and he has brought out an opinion which I think should be part of the milestone of this committee, and I say respectfully that I decline to answer the question under due process of law.

Mr. MCINTOSH. If I may interrupt you at this point, it would be rather insolent for myself as an attorney and as a Member of Congress to allow you to, in effect, filibuster the Congress of the United States by reading into the record decisions of the Supreme Court of the United States which are available, and which are readily available, to you, to ourselves, and to the general public. If you wish to state your objections to answering questions asked by this committee, after it has passed its judgment as to the pertinency and as to the satisfactory explanation that has been made by counsel, I wish you would do it. If you wish to refer to legal cases, cite them by the usual procedure and not by reading the whole case into the record. If you want to raise

constitutional questions, please do them by reference. We have read the Constitution also. We are satisfied that we are here acting pursuant to the powers granted to us and under the direction of the Congress of the United States, of which we are both elected Members, responsible to rather large constituencies. In short, I am saying, since you were nice enough to refer to me as the "patient member" of this panel, I think our patience can be exhausted after a certain amount of reasonableness.

If you care to cite Supreme Court cases, cite them by name in the customary manner. If you just wish to decline to answer this, as an attorney, you recognize the position you put yourself in, so make your selection.

Mr. GARRY. May I ask you a question in a very friendly way? I am not trying to be facetious with you. If this committee is interested in my opinions, Mr. McIntosh, I would be very glad to give you my opinions.

Mr. SCHIERER. I again direct you to answer the question before us.

Mr. GARRY. My second ground, Mr. Chairman, for declining to answer that question is under due-process clause of the fifth amendment and also the section of the fifth amendment which was recently enunciated in the Halperin decision: and bowing to Mr. McIntosh's deference, I will not read it, and I will not read it if it suffices.

Mr. SCHERER. You have properly invoked the fifth amendment.

Mr. GARRY. Mr. Chairman, I do not like to have you put words in my mouth. I want to answer these questions in my own way.

It is the fifth amendment, as well as the first amendment, and I want the full language of the Halperin decision incorporated and made a part of my record. May I do that, Mr. McIntosh?

Mr. SCHIERER. No.

Mr. GARRY. Do you mean I cannot incorporate the language? I do not want to read it; I just want to incorporate it.

Mr. SCHIERER. Mr. Counsel, I direct you to ask the witness the next question.

Mr. TAVENNER. Mr. Garry, it is noted that from your long recital from the Watkins case that you did not mention that part of the decision which has brought about your making the objection and asking for a statement of the pertinency. I think what you have said is certainly not complete without including that in the record.

Mr. GARRY. Thank you for calling my attention to it.

Mr. TAVENNER. I am sorry you overlooked it. It is on pages 33 to 34. It reads as follows:

It is the duty of the investigative body, upon objection of the witness on grounds of pertinency, to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. To be meaningful, the explanation must describe what the topic under inquiry is and the connective reasoning whereby the precise questions asked relate to it.

This we have endeavored to do.

You stated, Mr. Garry, that no effort was made to ascertain any information that you might have. Do you have the committee's subpoena in your pocket?

Mr. GARRY. No; I don't.

Mr. TAVENNER. Does your attorney have it? Do you have it available?

Mr. GARRY. Yes.

Mr. TAVENNER. May I see it?

Mr. GARRY. Yes; sure.

Mr. TAVENNER. Let the record show that I have been handed the subpena issued on May 9, 1957, to Mr. Charles R. Garry, on the back of which is printed the following:

In the event you desire to contact a member of the committee staff prior to the date of your appearance before the committee, you may call William A. Wheeler, investigator, at Lambert 5-4648 (Fullerton), or write to 325 West Brookdale Place, Fullerton, Calif.

Mr. GARRY. Is that a question, sir?

Mr. TAVENNER. No, sir. It is just a statement for the record.

Were you a member of the Professional Section of the Communist Party in San Francisco at any time while you held an office in the National Lawyers Guild?

Mr. GARRY. Mr. Chairman, under advice of counsel, I am going to decline to answer that question for all of the reasons that I heretofore have stated without having to go through the whole thing over again; but, in addition thereto, I want to incorporate all of the language of the Chief Justice of the United States and all of the recent decisions that he has rendered in this field of free speech and free assembly, including the Watkins case, the Konigsberg case and other related cases, and the Sweezy case, and any other similar cases that might be involved here, as part of my reasons for declining to answer these questions.

Mr. TAVENNER. Mr. Garry, will you tell the committee, at least, what knowledge you have, if any, of Communist Party activities of an organized group of the Communist Party in San Francisco that we have been referring to as the lawyers branch of the Communist Party? By way of further explanation, let me say that that group has been identified by name as the Haymarket Club of the Communist Party.

Mr. GARRY. On advice of counsel, my answers are the same as they were heretofore given and for the same reasons.

Mr. TAVENNER. Will you tell the committee, please, in what way the professional group of the Communist Party, known as the Haymarket Club, composed of lawyers, endeavored to influence the public and the Congress in regard to the passage of the Mundt bill?

Mr. GARRY. Mr. Chairman, I would like to answer that question; but under advice of counsel, the best advice I can get is not to answer because this is not a forum for me to get into a debate on this discussion.

Mr. TAVENNER. It did not call for a debate. It called for a simple factual statement as to what the Communist Party did in connection with it.

Mr. GARRY. Mr. Chairman——

Mr. TAVENNER. I am asking for action and facts and not views or opinions.

Mr. GARRY. Mr. Chairman, if you were to ask me——

Mr. TAVENNER. I may add that many people oppose the adoption of such a bill. I am not criticizing the right of any person to oppose it. I want to know what the Communist Party did about it.

Mr. GARRY. Mr. Chairman, if you were to ask me what I thought about the Mundt bill and similar legislation, that the form of your

questions about the insinuations and the lack of proper cross-examinations and proper quorum, I cannot answer that. My attorney advises me to answer that question upon, or decline to answer that question upon all of the previous grounds that I have heretofore stated, each and every one of them.

Mr. TAVENNER. You spoke of insinuation. To what insinuation are you referring? You said because of my insinuation. I have not made any insinuation.

Mr. GARRY. My counsel advises me that that is an argumentative question and, unless I can be permitted to be just as argumentative, I am not to answer that question and get involved into a discussion with you; and I give all of the previous reasons for not answering that question.

Mr. TAVENNER. Did the professional group of the Communist Party, known as the Haymarket Club, composed solely of lawyers, take any action with regard to a bill that was pending in this State relating to test oaths for lawyers?

Mr. GARRY. Same answer.

Mr. SCHERER. Would you mind saying that you decline to answer for the same reasons, because it is not an answer, it is a declination to answer?

Mr. GARRY. I will incorporate your remarks as part of my answer.

Mr. TAVENNER. Where did you maintain your office on May 23, 1949?

Mr. GARRY. Under advice of counsel, my counsel tells me not to answer that question. Don't ask me where; I don't understand the question, and I am asked not to answer the question upon the constitutional ground that even an innocent person can be entrapped by answering questions that he should not answer.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. And for all of the previous reasons.

Mr. TAVENNER. Was the headquarters of the Bar Committee Against Test Oaths for Lawyers in your office in 1949?

Mr. GARRY. Same answer.

Mr. SCHERER. I think you can use the proper form as a lawyer.

Mr. GARRY. I decline to answer for the reasons previously stated, sir.

Mr. TAVENNER. By my question, I am not meaning to imply or to insinuate that this committee is investigating any such bar committee. But I notice from the letterhead which bears the address of room 221, 68 Post Street, San Francisco 4, Calif., and also room 1110, 215 West Seventh Street, Los Angeles 14, Calif., that Charles R. Garry was one of the northern California section of that committee. With that explanation, will you answer the question as to whether or not that was your office, either of those places?

Mr. GARRY. Mr. Chairman, Charles R. Garry, over the period of his own lifetime, has stated his position openly and succinctly to the community; but upon the advice of counsel, I am advised and I will not answer any of these questions you are asking me for any and all of the reasons heretofore stated.

Mr. SCHERER. You say you have told the community your position on all questions. Had you advised the community of your member-

ship in the Communist Party at the time this organization had its headquarters in your office?

Mr. GARRY. Counsel advises me that the chairman is assuming facts not in evidence; and, secondly, I decline to answer for all of the reasons heretofore and previously stated.

Mr. SCHERER. Are my assumptions incorrect?

Mr. GARRY. I have already answered the question.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. I direct you to my answers that I have heretofore given, and I restate them for each and every one of the single reasons, and I want to add one other reason, if I may, sir.

Mr. SCHERER. It is all right. You just decline to answer if my assumption is correct or incorrect.

Mr. GARRY. I want to refer to the Holy Bible, if I may, and the Book of Matthew.

Mr. MCINTOSH. Within the realm of my previous comments, if you wish to refer to the Bible, you may do it by such ordinary terms of reference as are used.

Mr. GARRY. Can I give the title and the Scripture section?

I want to refer to Matthew 27, paragraph 11, through and including 14, just before paragraph 15 starts.

Mr. SCHERER. The Communists deny God and deny that Book; do they not?

Mr. GARRY. Mr. Chairman, you are now getting into the field of my religious beliefs. I am very proud to tell you, sir, that I happen to be a Christian. I happen to be a very happy church member and I resent any insinuation from you, Mr. Scherer, or anybody else like you.

Mr. SCHERER. I now direct you to answer my question. You injected the Bible into this hearing and cited it as an authority.

All I want to know is whether or not you do not know that the Communist denies God and denies that Book which you cited for your authority in refusing to answer a question. It is as simple as that.

Mr. GARRY. What the Communists do or do not do in relationship to their own god is their own business. What I do for my own God is my own and not yours.

Mr. SCHERER. There is still a direction to answer the question.

Mr. GARRY. I will decline to answer that question, Mr. Scherer—and excuse me for getting heated up about it, I should not—for all of the reasons heretofore stated, each and every one of them I incorporate in that answer.

Mr. SCHERER. I should be a little heated for your using the Bible in the way you did.

Mr. GARRY. I did not read the Bible. It is germane to this hearing.

Mr. TAVENNER. Mr. Garry, do you have any knowledge at the present time of the operations of the Haymarket Club of the Communist Party in San Francisco, composed of members of the legal profession?

Mr. GARRY. Upon advice of counsel, you are going to get the same answer, and I do give you the same answer.

Mr. TAVENNER. Are you a member of that group now?

Mr. GARRY. Same answer.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Now, I direct you to answer the question, counselor.

Mr. GARRY. I thought I did answer it. I told you I gave the same answer. I declined to answer for each and every one of the former questions.

Mr. SCHERER. Again I point out, the reply should be: "I decline to answer for the same reasons."

Mr. GARRY. I am not as good a lawyer as you are. I decline or refuse or whatever language you want to use, I am intending to abide by the Halperin decision, the Watkins decision, the Konigsberg decision, and all of the decisions of the Supreme Court on these related matters, and the Constitution of the United States.

Mr. SCHERER. The same answer is not a declination to answer. A declination to answer is not an answer.

Mr. GARRY. I was not trying to define anything. I was trying to defer to Mr. McIntosh, who has been very, very decent, in not making or repeating all of my previous statements in actual wording. I was just trying to save the time of this committee, if the committee is interested in some of these conversations. I was not trying to shortcut or bypass anything.

Mr. SCHERER. Are there any further questions?

Mr. TAVENNER. No, sir; I have none.

Mr. PURCELL. May the witness be discharged?

Mr. SCHERER. Yes, sir.

The committee will recess.

(The witness in refusing his witness fee said:)

Mr. GARRY. I would suggest that that contribution be made to a very worthy cause.

Mr. TAVENNER. We will retain it to continue the fight against communism.

Mr. GARRY. Use it for any cause you wish.

Mr. TAVENNER. Yes, sir; we appreciate your contribution.

Mr. SCHERER. Mr. Wheeler, I direct that you obtain a copy of the tape recording of the last witness' testimony.

(Brief recess taken.)

Mr. SCHERER. The committee will reconvene.

Mr. DARWIN. May I, with your permission and indulgence, take perhaps 10 minutes or less, probably less, on a matter of personal privilege in connection with some matter that has come up?

Mr. SCHERER. Yes; counsel talked to me about you. I think under the rule you are entitled to that opportunity.

Mr. TAVENNER. State your name.

VOLUNTARY STATEMENT OF JAY A. DARWIN

Mr. DARWIN. Jay A. Darwin. I am an attorney at law, with the right to practice in the State of California and all of the State courts and Federal courts in this community.

I am also permitted to practice in the State of New York and in some of the Federal courts there, and I am admitted to practice, and have been before, the United States Supreme Court.

I appreciate the opportunity to come here in connection with a matter which touches me very deeply professionally, and—if that is not important enough, and that it is—economically.

On June 18, I was in this chamber when a witness called was asked with respect to whether or not she had ever been a member of the

CIO council. A minute later that same witness was asked whether or not she and her husband had ever been a member of, or on a committee working with, the CIO council.

A recess then occurred. I went over to Mr. Tavenner, introduced myself and I said, "Mr. Tavenner"—or words in substance—"I think it is very important that, as an attorney for the present State CIO council, I make known to you and through you to the committee, the significance of those questions, and the answers given."

I want to be perfectly plain, frank, and candid in saying that, in making the statement, I make no imputations as to witness or witnesses. The business of the witness and the committee is the business with the witness, but I did say to Mr. Tavenner that I felt that I ought to explain to him the significance, and I did. Then the recess was over.

The first thing I knew was, "Is Mr. Jay Darwin here?" and Mr. Jay Darwin did come up. I don't recall whether I asked to make a statement or whether it was to be in writing, but in any event I came up.

Mr. TAVENNER. Let me interrupt you there. I understood you wanted to make an explanation to the committee. I asked the chairman if it would be all right, and he said it would be. That is the reason I gave you the opportunity. I certainly did not call you as a witness.

Mr. DARWIN. I came up not as a witness, but to make a statement.

Mr. SCHERER. As I understand it, you came up voluntarily.

Mr. DARWIN. Yes, that is right; to make a statement just as I am making a statement now.

I then did say in the statement that, when a reference is made to the CIO council in connection with any question put to a witness, it was important—and again I say I draw no imputation as to the answer of a witness or the refusal to answer—but that it was important to draw the distinction between the State CIO council that I now represent and have represented since May of 1950 and that State CIO council which had existed prior to that time and in which I—and I say this proudly—had some part as a lawyer in litigation to have disestablished.

I made the point that the old CIO council—and when I say "old" I mean prior to 1950—had been disestablished and had had its charter revoked because that council did not comport to the policies, objectives, and purposes of the national CIO.

Mr. SCHERER. May I interrupt you there? That action was taken because that union was, to some extent, infiltrated and dominated by Communists.

Mr. DARWIN. That action was taken; whatever the reasons were, Mr. Scherer, I think is a matter of public record, and I simply want to say that it was not action within the policies and objectives and reasons for the existence of the national CIO.

Mr. SCHERER. I think you did a good job at that time and I think the CIO and you are to be congratulated for what you did do at that time.

Mr. DARWIN. I appreciate that, but this is not my hour of glory, and I am not facetious and I appreciate your observation, but this is rather serious with me, and I shall go ahead.

As was the case with another witness or with witnesses, when I stepped forward, photographs were taken of me; and in the Call-Bulletin of June 19, in all of its issues—and I now look at one on page 9, headed, "Bay Area Red Infiltration"—and there were photographs of six persons, with me in the middle.

Now, again, I want to say with due deference that I do not know and draw no conclusions by my lineup with other people, but I do say that, in view of my work in the community, in view of the unions that I have represented, in view of the unions I hope to represent—when I say "hope" I should make that with underlinement because I have already been subjected by telephone calls and by other means detrimentally by this lineup.

Not a word in the text concerning the matter about which I addressed your committee is contained on page 9, not a single, solitary word. If that headline was not bad enough, the final issue of the same Call-Bulletin lists the same photographs with me in the same spot—teachers, newsmen, attorneys, named as local cell members. Again, not a word of explanation as to why my photograph is there; and there is a story as to each of the other persons named.

Your chairman yesterday was good enough in the morning, I was told—I came in toward the tail end of the statement so I did not get it all—but he was good enough to make some remark and some observation and some statement in which I understand he deplored the kind of irresponsibility in journalism, of the Call-Bulletin, which would have placed me in that light and that position. I appreciate that.

I did not see one word in the Call-Bulletin of yesterday in any of its issues reflecting even a line of your chairman's observations.

I think it is unfair, and I will put a stopwatch on myself for 3 or 4 minutes. I realize you have business to do, and I do not want to consume any more time, but I think it is important for you to know, and I do hope that the Call-Bulletin does something about it.

I say now that no matter what it does—and I say this very honestly without dramatics—no matter what it does, I cannot begin to think that the irreparable harm that those two publications have done to me can ever be corrected. The old matter of a photograph being worth a thousand words is applicable.

Now, I say you ought to know, Mr. Chairman, and other members of the committee, that in 1948 I was doing principally arbitration work, and I was sole arbitrator under a collective-bargaining agreement between the shipowners in this community—it was good work, remunerative, and at that point I was solicited by one of the maritime unions to engage in litigation with a leftwing Communist group which had sought to escape with that branch of maritime union on the west coast.

I gave an awful lot of consideration as to whether or not I would get into that litigation, in view of the fact that I had maintained a rather public position in many of the arbitration matters that had been referred by Federal and even State bodies, and, in one instance, the former chief judge of the ninth court of appeals, who is now deceased.

I plunged into that, having come to a conclusion that I wanted to get into that kind of work; and I will say that I take pride in it, that my efforts in litigation resulted in the saving of that maritime union;

and it is now a very responsible, respectable maritime union in the national.

In 1949, in October, in the Palmer House in Chicago, I was one of a group of four lawyers designated to rewrite the constitution of the national CIO and the laws governing its bodies, subsequent to that convention in Chicago, to oust such of the unions which were not abiding by the principles and policies and objectives of the national CIO.

It is now a matter of history as to what happened to some of those unions which did not abide by it.

From 1950 to 1952 in this very city, I did engage in litigation in another maritime field in connection with supplanting the maritime union which was not held to be conducting itself within the principles, policies, and objectives of the national CIO.

That is about all I want to say except this: I feel that my livelihood, and I say this again, will probably be definitely affected by this kind of reporting.

Mr. SCHERER. May I interrupt. The committee has been happy to give you this time in order that you might explain to as much of the public as possible what happened as the result of this unfortunate mistake upon the part of the newspaper.

I think perhaps we should end your statement here.

Mr. DARWIN. Yes; I was at a point of conclusion and I do appreciate the opportunity to have made this statement.

Mr. TAVENNER. Mr. Hugh Miller, will you come forward, please?

Mr. SCHERER. Will you raise your right hand. You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILLER. I do.

TESTIMONY OF HUGH B. MILLER, ACCCOMPANIED BY COUNSEL, JOHN R. GOLDEN

Mr. TAVENNER. Will you state your name please?

Mr. MILLER. My name is Hugh B. Miller.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. GOLDEN. My name is John R. Golden. I have an office at the Crockett Building in San Francisco. I am a member of the bar of the Supreme Court of the United States and a number of inferior courts.

Mr. TAVENNER. When and where were you born, Mr. Miller?

Mr. MILLER. Before I am asked questions, Mr. Counsel, I would like to make some objections to the power of this committee to proceed.

As I understand it, the two Representatives on this committee are Republicans. I happen to be a Democrat and have been for years. The committee rules, section 25-A, say that this committee should include majority and minority representation, which I understand should mean there should be two Democrats. I should like to object to the hearing's proceeding because the committee is not constituted with two Democrats.

Also, I would like to object on the grounds that there is no quorum here. Also, I would like to object because, since the rules require a

majority and minority representation, it is impossible for there to be any majority or minority with two people and, based on the rule 25-A of the House of Representatives, I object to this committee proceeding.

I further object to this committee proceeding on the grounds of the sixth amendment of the Constitution of the United States because my right to counsel is being abridged. I desire my counsel to be permitted to cross-examine, introduce evidence, and call witnesses.

I further object that under the sixth amendment I do not have the right to cross-examine any witnesses and my counsel has no opportunity to cross-examine witnesses.

I further object under the sixth amendment of the Constitution and I desire to have compulsory process to obtain witnesses.

I have witnesses I would like to call and, as I understand the rules of this committee, I am not permitted to call witnesses and I am not given any compulsory process which the sixth amendment of the Constitution of the United States provides me.

I further object to the committee proceeding under the grounds that the committee is acting illegally because it is illegally authorized by Congress.

It is authorized to investigate un-American propaganda, subversive and un-American activities; and the Supreme Court of the United States has just said in the Watkins case that these words are impossible to define legally and, therefore, the authorizing resolution is vague and uncertain and this committee and the authorizing resolution is illegal.

Therefore, this committee is acting illegally. The Supreme Court said it would be difficult to imagine a less explicit authorizing resolution.

I further desire to object to this committee continuing these hearings, and particularly with me, because its methods are illegal. The methods have already been said to be illegal by the Supreme Court of the United States in the Watkins case. They said:

It is only those investigations that are conducted by use of compulsory process that give rise to a need to protect the rights of individuals against illegal encroachment.

The Supreme Court has said very clearly:

An investigation is subject to the command that Congress shall make no law abridging freedom of speech or press or assembly.

That is a quote from the Watkins.

The Watkins case says:

The mere summoning of a witness and compelling him to testify against his will, about his beliefs, expressions, or associations—

And I call your attention to the word "associations"—

is a measure of governmental interference. And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reaction in the life of the witness may be disastrous—

as you have just heard from the preceding witness—

This effect is even more harsh when it is part beliefs, expressions, or associations that are disclosed and judged by current standards rather than those contemporary with the matters exposed. Nor does the witness alone suffer the consequences. Those who are identified by witnesses and thereby placed in the same glare of publicity are equally subject to public stigmas, scorn, and obloquy. Beyond that, there is the more subtle and immeasurable effect—

Mr. MCINTOSH. I should like to ask you a question.

Mr. MILLER. May I complete my sentence?

Mr. MCINTOSH. I would like to draw your attention to the fact that the decision has been rendered almost in toto; and if you have any objections or comments that cannot be covered by reference to the case we would be pleased to hear them; otherwise, we would prefer, in the interest of hurrying along, to proceed.

Mr. MILLER. I had almost finished.

Mr. SCHERER. Now, I direct you to answer the question.

Mr. TAVENNER. I started to ask the witness to give his name.

Mr. MILLER. My name is Hugh B. Miller.

Mr. TAVENNER. I believe counsel did identify himself for the record.

Mr. GOLDEN. Yes.

Mr. TAVENNER. I believe my question was, When and where were you born?

Mr. MILLER. I was born in San Francisco, Calif., as were my father and mother.

Mr. TAVENNER. When were you born?

Mr. MILLER. December 22, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. MILLER. I now reside at 355 West Phillip Way.

Mr. TAVENNER. What is your profession?

Mr. MILLER. I am an attorney.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. MILLER. Well, I went 8 years to Laguna School, which is on Seventh Avenue between Irving and—

Mr. TAVENNER. You know we are not interested in the location of the school in that minutiae. Where did you go to college?

Mr. MILLER. I went to Stanford University; I went to the University of San Francisco. I received an A. B. degree from Stanford and LL. B. from the University of San Francisco.

Mr. TAVENNER. When did you receive your LL. B.?

Mr. MILLER. 1937.

Mr. TAVENNER. Will you tell the committee please, what your work record has been, briefly, since 1937?

Mr. MILLER. I don't understand.

Mr. TAVENNER. Prior to your beginning the practice of law in San Francisco.

Mr. MILLER. I don't understand the question; my work record?

Mr. TAVENNER. When did you begin the practice of law in San Francisco?

Mr. MILLER. In San Francisco itself?

Mr. TAVENNER. Yes.

Mr. MILLER. 1945.

Mr. TAVENNER. Did you practice law in California at any other place prior to 1945?

Mr. MILLER. No; I did not. Pardon me. I was an employee of the United States Government prior to 1945 as an attorney.

Mr. TAVENNER. Where were you located during that period of time?

Mr. MILLER. In Washington, D. C.

Mr. TAVENNER. What was the beginning of your employment and the date and the end of your employment with the Government?

Mr. MILLER. The beginning was in about September or October of 1937. I was enlisted in the Army in 1942, and I am not certain of the date when my technical—date when my employment with the Government ended.

Mr. TAVENNER. But roughly it would be from 1937 to 1942 and then for a period after your discharge from the armed services?

Mr. MILLER. I never went back to the Government to work after I was discharged from the armed services.

Mr. TAVENNER. What was the approximate date of your discharge?

Mr. MILLER. When my dismissal or resignation or whatever it was—it was a resignation—from the Government took place, I don't remember.

Mr. TAVENNER. My question is, When were you discharged from the Army?

Mr. MILLER. December 14, 1944.

Mr. TAVENNER. Then you were employed by the Government from 1937 up to 1942?

Mr. MILLER. I was paid a minimum salary by the Army.

Mr. TAVENNER. We do not generally refer to service in the Armed Forces as Government employment.

Mr. MILLER. I would not refer to it that way either.

Mr. TAVENNER. Well, you have.

Mr. MILLER. I was a private.

Mr. TAVENNER. You have referred to it that way.

What was the nature of your employment by the Government, from 1937 to 1942?

Mr. MILLER. I was an attorney.

Mr. TAVENNER. In what agency of the Government?

Mr. MILLER. In the Department of the Interior.

Mr. TAVENNER. Was that during your entire employment?

Mr. MILLER. That is correct; except for the Army service.

Mr. TAVENNER. Did you have a title in connection with your legal work?

Mr. MILLER. Several.

Mr. TAVENNER. Tell us what they were, please.

Mr. MILLER. I don't remember. They were attributes of attorney, associate attorney, something-or-other attorney, depending on the various ways that the Interior Department designated me when I received an increase in pay or a promotion of some kind.

Mr. TAVENNER. What was the general nature of the work that you were engaged in, just very briefly.

Mr. MILLER. I handled hearings in the Department of the Interior concerning, mainly, coal.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit bearing date May 22, 1941, purportedly signed by Hugh B. Miller. Will you examine it please and state whether or not it is your affidavit?

Mr. MILLER. The signature appears to be mine, but I have no recollection whatsoever of the affidavit.

Mr. TAVENNER. The affidavit begins, "I, the undersigned, Hugh B. Miller, depose and say"—there are various paragraphs described by number—paragraph number 2 is: "I am not, and never have been, a

Communist, a Nazi, a Fascist, or a member of any party other than the Republican or Democratic Parties."

Do you recall that phase of the affidavit?

Mr. MILLER. No; I do not.

Mr. TAVENNER. You stated that it appears to be your signature. Was it a truthful statement as of May 22, 1941?

Mr. MILLER. I do not recall making such a statement.

Mr. TAVENNER. I say, was it true as of May 22, 1941?

Mr. MILLER. I believe that this question, Mr. Tavenner, is in violation of the Watkins decision, in that it is an attempt to dig into past associations or expressions of mine.

The Watkins decision says that you can't dig into those matters and it is illegal for you to do so and that I may invoke the first amendment with respect to this, so I refuse to answer.

Mr. TAVENNER. Mr. Chairman, may I have a direction that the witness answer the question?

Mr. SCHERER. Witness, you are directed to answer the question.

Mr. MILLER. Do I understand, despite the fact that Watkins case says I may invoke the first amendment as a reason for the first amendment, you still order me to answer?

Mr. SCHERER. I do; under the circumstances.

Mr. MILLER. In that case, in addition to the Watkins case, I have already pointed out that this committee is illegally constituted and I refuse to answer on that ground, that it is illegal, and I refuse to answer on that ground, and I also refuse to answer because there is an amendment in the Constitution which protects citizens against illegal and tyrannical Government hearings and I stand on that ground.

Mr. SCHERER. Do you stand on the self-incrimination provision?

Mr. MILLER. I have already made my statement.

Mr. SCHERER. I direct you to answer my question as to whether or not you stand on that part of the fifth amendment which involves self-incrimination.

Mr. MILLER. I refuse to answer your direction, Mr. Scherer, on the ground that this is an illegal committee, illegally constituted, pursuing an illegal method, asking illegal questions, and under the first amendment and under the fifth amendment of the Constitution, and I particularly refer you to the Watkins decision and the due processes of the fifth amendment of the Constitution.

But I am standing on the whole of that amendment.

Mr. SCHERER. That is what I wanted to know.

Mr. TAVENNER. I desire to offer the affidavit in evidence and ask that it be marked "Miller Exhibit No. 1."

Mr. SCHERER. It is so received and so marked.

(Document marked "Miller Exhibit No. 1," retained in committee files.)

Mr. MILLER. I would like to offer the rules of this committee in evidence. These are the rules that prevent me from having my counsel speak up and are in violation of the sixth amendment of the Constitution.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Miller, were you a member of the Communist Party on the 22d day of May 1941?

Mr. MILLER. I decline to answer that on the same grounds which I previously stated.

Mr. TAVENNER. I have before me, Mr. Miller, a photostatic copy of an excerpt from the Washington Evening Star of December 17, 1940, page B18, the title of which is, "Meeting Called To Push U. S. Workers' Interests," and I read it as follows:

"Remedies for the protection of Federal workers against further infringement of their personal and civil liberties" will be sought at a mass meeting at 8:15 p. m. tomorrow at the Burlington Hotel, under auspices of the Washington Committee for Democratic Action. Hugh Miller, chairman of the committee, said some Federal agencies "are appropriating to themselves the authority and technique of an inquisition," that the Federal Bureau of Investigation has been accused of functioning as a "secret police"—

and so forth.

I hand you the document and ask you to examine it and refresh your recollection as to whether or not you were the chairman of the organization which I referred to, Washington Committee for Democratic Action.

Mr. MILLER. This says, "Hugh Miller, chairman of the committee, said some Federal agencies 'are appropriating to themselves the authority and technique of an inquisition', that the Federal Bureau of Investigation has been accused of functioning as a 'secret police' to spy on Government workers, and some employees in defense agencies have had the 'most intimate details' of their private lives delved into."

* * * * *

Mr. TAVENNER. Were you chairman of the Washington Committee for Democratic Action on the date of the Washington Evening Star article, which I mentioned is December 17, 1940?

Mr. MILLER. December 17, 1940?

Mr. TAVENNER. Yes.

Mr. MILLER. I refuse to answer that question on the grounds of the first amendment, as I have already expressed it under the Watkins decision, and upon the ground of my objections to the committee proceeding with this hearing.

Mr. SCHERER. I believe you said, Witness, that you subscribe to the language attributed to you in this article with reference to the Federal Bureau of Investigation.

Mr. MILLER. Yes; at that time I believed the Federal Bureau of Investigation was delving into people's private lives, their marital affairs, anything they could get on them.

Mr. SCHERER. Investigating Communists as they are today?

Mr. MILLER. They were investigating anything they wanted to investigate and they investigated some pretty shabby things.

Mr. SCHERER. Do you feel the same way about the Federal Bureau of Investigation as you do about this committee?

Mr. MILLER. I do not say that my feelings are the same about the Federal Bureau of Investigation now as they were in 1940. You are going back 17 years now, and I have been through a war since then.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Miller Exhibit No. 2."

Mr. SCHERER. It may be so marked and received.

(Document marked "Miller Exhibit No. 2," retained in committee files.)

Mr. TAVENNER. Mr. Miller, during the course of the committee's investigation of Communist infiltration of Government, which began on December 13, 1955, in Chicago, Prof. Herbert Fuchs appeared as one of the witnesses.

Professor Fuchs was the head of several party groups in the city of Washington. He described fraction meetings of representatives from approximately 10 Communist party cells in Government.

In the course of his testimony, he made reference to the Washington Committee for Democratic Action. My question was this:

The committee's investigation has shown that there was published in a December 1940 issue of the Washington Star newspaper an advertisement regarding a mass meeting of the Washington Committee for Democratic Action, which was to be held in Washington for the purpose of condemning the Government loyalty program. This advertisement announced that a committee had been appointed on that matter, and that the committee consisted, among others, of these persons: Arthur Stein, Helen Miller, Edward Scheunemann, Eleanor Nelson, and yourself—

Meaning Professor Fuchs.

Were you acquainted with Arthur Stein?

Mr. MILLER. I refuse to answer that question under the ground of the first amendment and its interpretation by the Watkins case which says, questions into my associations in the past, particularly one that was in 1942 or something, is illegal.

Mr. TAVENNER. May I have a direction that the witness answer?

Mr. SCHERER. Yes. Witness, you are directed to answer.

Mr. MILLER. Despite the fact that the Watkins case says I may plead the first amendment against infringement of my protection of law, do you still order me to answer?

Mr. SCHERER. You have heard my direction.

Mr. MILLER. I refuse to answer under the amendment to the Constitution which protects every citizen of this country against illegal and tyrannical acts of a governmental body, which is the fifth amendment.

Mr. SCHERER. Did you add the fifth there?

Mr. MILLER. I said, "Which is the fifth amendment."

Mr. TAVENNER. Were you acquainted with Eleanor Nelson?

Mr. MILLER. Same answer.

Mr. SCHERER. The witness, I think, is a member of the bar and should reply properly that he declines to answer for the same reason.

Mr. MILLER. I decline to answer for reasons previously expressed.

Mr. TAVENNER. I asked this question of Professor Fuchs:

Was the Washington Committee for Democratic Action one of the mass organizations in which you did become interested and take an active part?

And his answer was, "Yes."

Mr. TAVENNER. Was not one of the purposes of that meeting to launch a movement for the protection of members of the Communist Party who had been employed by and then expelled from Government employment?

His answer was:

I don't know if I can answer that. I should suppose that objectively the answer should be "yes." That is to say, the activities of the group centered on protection of people or the attempt to protect people who had been discharged for communism.

According to that testimony, the picture in the Government cells in Washington was that the Communist Party was assigning its mem-

bers for particular work in mass organizations, and here is one created for a special purpose.

Let me ask you whether or not, after you came to California and became a member of the bar of San Francisco and engaged in the practice of law, you became aware that here there was an organized group of members of the legal profession, a secret group which assigned members to work in different mass organizations.

Mr. MILLER. This is an illegal method of questioning, and it is prescribed by the Watkins case, which says that I may refuse to answer on the grounds of the first amendment, and I do so.

Mr. SCHERER. I direct that you answer the question.

Mr. MILLER. You direct me to answer despite the fact that the Watkins case says I may refuse to answer under the first amendment?

Mr. SCHERER. I direct you to answer.

Mr. MILLER. I refuse to answer the question on the grounds previously expressed, including the amendment to the Constitution that protects citizens of this country against the acts of illegal and tyrannical committees, the fifth amendment.

Mr. TAVENNER. Are you a member of a professional group of the Communist Party in San Francisco at this time, composed exclusively of lawyers?

Mr. MILLER. I am not a member of the Communist Party.

Mr. TAVENNER. Do you have any knowledge at this time of the activities of a group which has been described as the Haymarket Club of the Communist Party, consisting of members of the legal profession?

Mr. MILLER. I refuse to answer that question under the Watkins case which says that this line of questioning is illegal and says that I may refuse to answer on the grounds of the first amendment.

Mr. SCHERER. I direct the witness to answer the question.

Mr. MILLER. Having been directed to answer in violation of the Watkins ruling, I refuse to answer on the grounds previously stated.

Mr. SCHERER. You said you were not a member of the Communist Party now. Were you a member last month, of the Communist Party?

Mr. MILLER. I was not a member of the Communist Party last month or the month before that or the year before that, and I can so testify; but I am not going to so testify because you can't delve into people's associations, and I will refuse to answer your question under the grounds of the Watkins case because you are trying to use an illegal method of questioning.

Mr. SCHERER. You said you were not a member of the Communist Party now or last month or last year. Were you a member of the Communist Party in 1954?

Mr. MILLER. I refuse to answer.

Mr. SCHERER. Were you a member of the Communist Party in 1955?

Mr. MILLER. My answer is the same.

Mr. SCHERER. You refuse to answer the question.

Were you a member of the Communist Party in 1956?

Mr. MILLER. I have already answered that question.

Mr. SCHERER. Well, it is not clear; will you answer it again?

Mr. MILLER. I have already told you that I would refuse to answer questions that attempt to delve into my associations because they are

illegal methods of questioning which has been described by the Supreme Court of the United States in the Watkins case in which this committee was chastised because of the way it asked questions, and I refuse to answer on the grounds of the Watkins case and the first amendment.

Mr. SCHERER. I direct you to answer the question whether you were a member of the Communist Party in 1954.

Mr. McINTOSH. As an attorney, if you feel that the Watkins case applies to the question or the explanation given to you under direction of this committee you may refuse on the basis of that decision if you feel it applies.

Mr. MILLER. I feel it applies all right, but I would rather let somebody test out the committee on another case.

Do you realize it costs between \$10,000 and \$20,000 to fight the FBI and the Justice Department in one of these cases?

Mr. McINTOSH. What is your decision as to why you refuse to answer, or do you care to say?

Mr. GOLDEN. I am sorry; I distracted his attention.

Mr. McINTOSH. You were directed to answer the question as to whether or not you were a member of the Communist Party in 1956.

Mr. MILLER. Are you directing me to answer?

Mr. McINTOSH. You had previously been directed to answer that.

Mr. MILLER. I refused to answer that question and I refuse to answer at the present time because this committee is illegally constituted, it is in violation of its own rules, and the House of Representatives and its resolution authorizing it; and I refuse to answer it under the Watkins case and the first amendment; and I refuse to answer it because of the persistence of this committee, I believe, to be a tyrannical effort of an illegal committee to force me to answer, and the fifth amendment protects me from having to answer such acts.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Miller, you stated that you are not now a member of the Communist Party, but when I asked you whether or not you had knowledge of a Communist Party cell composed of lawyers you refused to answer because to do so might tend to incriminate you.

Mr. MILLER. I did not say it would tend to incriminate me.

Mr. TAVENNER. You said the fifth amendment, which means that.

Mr. MILLER. No; it does not mean that.

Mr. TAVENNER. Did you mean something else?

Mr. MILLER. I meant what the fifth amendment means as interpreted by the Supreme Court of the United States.

Mr. TAVENNER. Were you claiming that you had a right to decline or refuse to answer that question on the grounds that to do so might tend to incriminate you?

Mr. MILLER. I decline to answer that question.

Mr. TAVENNER. Then I will ask you the question over again so there can be no doubt as to what your answer is or the grounds of your refusal in the event that you fail to answer.

Do you now know of the existence of an organized group of the Communist Party composed of lawyers and known as a professional cell of the Communist Party here in San Francisco?

Mr. MILLER. I decline to answer that question on the grounds of the first amendment as it is interpreted by the Watkins case, to wit, that it is an illegal question put by an illegal committee.

Mr. SCHERER. I direct you to answer the question.

Mr. MILLER. Since you direct me to answer it despite the Watkins case, I decline to answer that question on the grounds of the fifth amendment to the Constitution of the United States.

Mr. SCHERER. Next question, Mr. Tavenner.

Mr. TAVENNER. Do you honestly believe that to answer that question might tend to incriminate you when you have told the committee that you are not now a member of the Communist Party?

Mr. MILLER. I believe that in light of the stated purposes of this committee that any question answered by anybody before this committee might tend to incriminate that person.

I believe that concerning myself.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. Mrs. Jane Castellanos.

Mr. COLLINS. Before my client appears, she requests that she not be broadcast on the television and also on the radio. Mr. Scherer, may I have your assurance she will not be televised?

Mr. SCHERER. Talk a little louder; I did not hear you.

Mr. COLLINS. Before I ask my client to appear, she has asked that no telecasting be made of her or approaching the chair she will occupy, to leave, and not broadcast.

Mr. SCHERER. As far as television is concerned the request is granted and the television cameras will not photograph the witness at any time.

Will you raise your right hand, please?

Do you solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CASTELLANOS. I do.

TESTIMONY OF MRS. JANE ROBINSON CASTELLANOS, ACCOMPANIED BY COUNSEL, WAYNE COLLINS

Mr. TAVENNER. State your name, please.

Mrs. CASTELLANOS. Jane Castellanos.

Mr. TAVENNER. Spell your last name, please.

Mrs. CASTELLANOS. C-a-s-t-e-l-l-a-n-o-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. COLLINS. Wayne Collins. I am a member of the California State bar and a member of the United States Supreme Court.

Mr. TAVENNER. Where were you born, Mrs. Castellanos?

Mr. COLLINS. Just a moment. Before the witness is questioned, we have an objection as to the jurisdiction of this proceeding and the jurisdiction of this committee to proceed and, if I may make that objection, I should like to make it on behalf of the witness.

If you insist that the witness make that objection, then she will be required so to do.

Mr. SCHERER. Would you read the objection into the record?

Mr. COLLINS. I do object to making the objection secretly at a public hearing. If any portion of this hearing is to be held in secret, we raise that objection here and now.

Mr. SCHERER. It is not in secret. You are giving it to the reporter for the record.

I must insist that you comply with rule 7 of the committee which prevents you from making such an objection. You will have to make it through your witness.

Mr. COLLINS. Rule 7, as I understand the rules of procedure for this committee, does not preclude a witness brought before this committee from raising objections through counsel.

I believe it was only as to testimony that the attorney may not give testimony for himself or through the witness or for the witness.

Mr. SCHERER. I do not interpret the rule that way, Counselor.

Mrs. CASTELLANOS. I wish to make an objection. I am not trained in law and all objections to questions I make have to be written out for me or recited to me by my counsel, so I request that my counsel be authorized to make objections to the questions for me and also to save the time of this committee.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Where were you born, Mrs. Castellanos?

Mrs. CASTELLANOS. May I ask for a ruling on this objection?

Mr. SCHERER. Madam, this committee has no right—this is not a court—to sustain or overrule an objection. It may be noted in the record, and then at such time as this proceeding may find its way into a proper court at a proper time, your counselor or you can make the objections in the court and the court will either overrule or sustain your objection.

Mrs. CASTELLANOS. I object to your refusal to grant me the privilege just requested, and assign it as error, because to permit counsel to make mere objections for me is not prohibited by rule 7 of the provisions, and further, the refusal constitutes a denial to me of effective assistance of counsel guaranteed by the sixth amendment and also of the procedure of due process of law guaranteed by the due processes clause and the fifth amendment of the United States Constitution.

Mr. SCHERER. I gave your counsel the opportunity to read any legal objections he wants to or desires to into the record.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Where were you born, please?

Mrs. CASTELLANOS. Before I answer that question, I desire to know whether there is a quorum of the committee present?

Mr. SCHERER. There is a quorum of the subcommittee present.

Mr. TAVENNER. Now, may I ask the question again. Not yet? All right.

Mrs. CASTELLANOS. How many of the committee are present at this hearing?

Mr. SCHERER. I have answered the question. Proceed, Mr. Tavenner.

Mr. TAVENNER. I ask the question again. Where were you born?

Mr. COLLINS. Just one moment.

(The witness conferred with her counsel.)

Mrs. CASTELLANOS. I object to this proceeding on the grounds that the rules of the House of Representatives are made the rules of this committee, and that rule 25-A requires that any committee must include a minority and a majority representation and confer on them the powers delegated to the committee itself.

Mr. SCHERER. This committee does contain members of majority and minority parties.

Mr. WILLIS, who is a member of the Democratic Party is a member of this subcommittee. He is not present at the hearing, but there is a quorum of the subcommittee present.

Now, let us go on, Mr. Tavenner.

Mr. TAVENNER. Are you ready to answer the question now?

Mrs. CASTELLANOS. I object to proceed with this hearing on the grounds that the acting subcommittee has not complied with rule 25-A of the House rules and does not include a majority and minority representative.

Mr. SCHERER. Madam, I just explained to you that it does contain that. I ask you to proceed to answer the question, where you were born.

Mrs. CASTELLANOS. I am referring to the committee members presently conducting the hearing.

Mr. TAVENNER. Now will you answer the question?

Mr. SCHERER. Proceed to the next question. She has had ample opportunity to answer the question, Mr. Tavenner.

Mr. TAVENNER. How long have you lived in California? I assume you live there now.

Mrs. CASTELLANOS. I have lived in California since the fall of 1934 with occasional vacations in other parts of the United States.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been previously, that is, your formal educational training.

Mrs. CASTELLANOS. You are referring, I presume, to my college education?

Mr. TAVENNER. Yes.

Mrs. CASTELLANOS. I entered the University of Michigan in Ann Arbor, Mich., in the fall of 1930. I left there in the spring of 1931 to attend the University of Strasbourg. I reentered the University of Michigan in the fall of 1931; remained there throughout that academic year.

In the fall of 1932 I entered the University of Munich under the sponsorship of the University of Delaware, American. During the academic year 1933 to 1934 I attended the University of Michigan where I obtained a bachelor of arts degree.

In academic year 1934 to 1935, I attended Stanford University where I obtained an M. A. degree. In 1938, I obtained a Ph. D. degree at Stanford University.

I have since done graduate work, of a lesser duration, at six institutions of higher learning, all of them recognized degree-granting colleges.

Mr. TAVENNER. Was your name Jane Robinson prior to marriage?

Mrs. CASTELLANOS. It was.

Mr. TAVENNER. R-o-b-i-n-s-o-n?

Mrs. CASTELLANOS. Yes; it was.

Mr. TAVENNER. We have testimony before the committee, Mrs. Castellanos, to the effect that there was a secretly organized group of the Communist Party in San Francisco composed of professional people. That group was broken down into a branch composed solely of lawyers from a certain Dayton University, the name of it being Haymarket group.

There was another group composed solely of doctors, nurses, and technicians. There was at one time a group within the Newspaper Guild which broke up and became members of a miscellaneous group of the Communist Party to which teachers, for the most part, belonged.

Were you at any time a member of such a group as the last that I mentioned, namely, the miscellaneous group of the Professional Section of the Communist Party in San Francisco?

Mrs. CASTELLANOS. Mr. Chairman, before I answer this question, I would like to ask the committee to supply me with the written copy of the written statement of the oral statement made at the beginning of this session by the chairman of the committee.

I was not able to hear all of that due to the acoustics in the room and I would like to have it available for consultation.

Mr. SCHERER. It has been available to counsel for 3 days.

Proceed with the question.

Mrs. CASTELLANOS. Has that statement been made in writing? I have never seen it.

Mr. SCHERER. Mr. Tavenner, I direct you to ask the next question.

Mr. TAVENNER. Will you answer the question, please?

Mrs. CASTELLANOS. I protest your failure to give me a written copy of the oral statement made at the beginning of these proceedings.

Mr. SCHERER. The witness has had sufficient time to answer the question.

Proceed with the next question.

Mr. COLLINS. Did your question relate to a particular time?

Mr. TAVENNER. No, it did not; whether or not she had knowledge of the existence of such a group.

To be a little more precise—you asked me to remind you what the question was—it was more to this effect: Whether or not she at any time knew of the existence of a Professional Section of the Communist Party in San Francisco.

Mrs. CASTELLANOS. On and subsequent to October 3, 1945, I have no such knowledge.

Mr. TAVENNER. May I ask you then whether you have been a member of the Communist Party since October 3, 1945?

Mrs. CASTELLANOS. I am not now and I have not been a member of the Communist Party since October 2, 1945.

Mr. TAVENNER. Were you a member of the teaching profession, and are you now?

Mrs. CASTELLANOS. I am, sir.

Mr. TAVENNER. Were you engaged in the teaching profession prior to October 3, 1945?

Mrs. CASTELLANOS. May I inquire as to the relevance of that question?

Mr. TAVENNER. Yes; the relevance of the question is, to determine what the activity of the Communist Party was, that is, the Communist Party acting within the professional groups of the Communist Party in this area.

It has been explained so often that I hardly see how anyone could help but understand it.

Mrs. CASTELLANOS. I have no such knowledge of activity of this kind since October 2, 1945.

Mr. TAVENNER. I am sorry, I did not hear you.

Mr. SCHERER. She said she had no knowledge of any such activity since 1945.

Mr. TAVENNER. My question related to prior to October 2, 1945, not since. You have already answered that.

Mrs. CASTELLANOS. I am sorry.

Mr. TAVENNER. Let me withdraw the question and put it this way: You have not been connected in any way with the Communist Party since October 3, 1945?

Mrs. CASTELLANOS. I have had no such connection since October 2, 1945.

Mr. TAVENNER. Were you a member of the Communist Party on October 1, 1945?

Mrs. CASTELLANOS. I object to the question and also to this hearing on each and all of the following grounds: Namely, one, the subpena served on me, the committee's authorizing resolution, and also the subject of this investigation, as announced in the oral opening statement of the committee, do not define this authority and do not inform me of the nature or the extent and limitations of this hearing or of the matters to which I am to testify or inform me of the nature and cause of any accusation which has been brought against me or give me a reasonable period of time in which to answer such accusation or dispose of such questions, and would place me on trial and deprive me of the right of being confronted with witnesses against me, of the right of cross-examination, and of the presumption of innocence and the rights of effective assistance of counsel for my defense, each and all of which said things deprive me of the due process of the law of the Constitution and of the rights guaranteed me by the sixth amendment.

2. It is an attempt to inquire into matters which infringe on the rights retained by the people of the United States guaranteed by the 9th amendment of the Constitution and also usurps the powers reserved to the States or the people under the provisions of the 10th amendment of the Constitution.

3. It is an unlawful—

Mr. SCHERER. May I ask how many more pages there are?

Mrs. CASTELLANOS. There is approximately one-third of a page.

3. It is an unlawful attempt to compel me to divulge information concerning political beliefs, opinions, and activities and associations, and those of other persons, and to cause injurious publicity to me and them and to expose me and them to public contempt, hatred, and ridicule in violation of the power lodged in Congress by article I of the Constitution.

4. It constitutes an abridgment of the freedom of speech and expression and of the freedom of expression and of the peaceable assembly and association guaranteed to me by the first amendment of the Constitution; and

5. It is unlawful to attempt to compel me to be a witness against myself in violation of the provisions of the fifth amendment.

Mr. TAVENNER. Will you tell us please what occurred on either October 1 or October 2, 1945, which has resulted in your testifying now, that you have not been a member of the Communist Party since that specific date of October 2?

Mrs. CASTELLANOS. I object to the question and also this hearing on each and all of the grounds previously stated as grounds for my objections to questions of this hearing.

Mr. TAVENNER. Was not the Levering Act passed in 1950? Was that about the date of it?

Mrs. CASTELLANOS. I believe it was passed in 1950.

Mr. TAVENNER. Did that act contain a provision which required one signing it to state that he had not been a member of the Communist Party for a period of 5 years prior to the adoption of that act?

Mrs. CASTELLANOS. I believe it did.

Mr. TAVENNER. Was that 5-year period October 2, 1945?

Mr. COLLINS. I think that the date was October 3.

Mr. TAVENNER. It appears that I missed it 1 day. No; I beg your pardon. You have stated that you have not been a member since October 2. The effective date of that 5-year period contained in the Levering Act went back to and included October 3, so that puts you exactly at the time that you would not be required under the Levering Act to state that you had been a member of the Communist Party.

Mrs. CASTELLANOS. What question is it that you are asking me?

Mr. TAVENNER. The Levering Act which was adopted in 1950 had a provision in it that if a person had been a member of the Communist Party at any time since October 3, 1945, that fact would have to be divulged.

Mrs. CASTELLANOS. That is a statement on your part?

Mr. TAVENNER. Yes; my question is, that being true, did that have anything to do with your fixing the date of the time when you were no longer a member of the Communist Party?

Mrs. CASTELLANOS. Mr. Chairman, Mr. Counsel, that is a date which is difficult to fix precisely, but the date which I have mentioned is one of which I am certain.

Mr. TAVENNER. That is that you were no longer a member of the Communist Party since October 2, 1945?

Mrs. CASTELLANOS. Mr. Counsel, I have not stated that I was a member of the Communist Party at any time prior to October 2, 1945.

Mr. TAVENNER. I understand, but you have not been a member since October 2, and that is all I said.

I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. SCHERER. The committee will take approximately a 5-minute recess.

(Brief recess.)

Mr. SCHERER. The committee will be in session.

Before we proceed with the next witness, I have received the following telegram:

Please clarify for the record that witness Brisker was associated with American Veterans Committee and not AMVETS. AMVETS, as you know, is chartered by Congress and has no connection whatsoever with the American Veterans Committee and rarely shares the views of the American Veterans Committee. (Signed) Arthur Greenstreet, Commander, AMVETS, Veterans Memorial Building, Oakland, Calif.

I think the record is clear on the matter that developed with reference to the misunderstanding with AMVETS and the American Veterans Committee, but I think the telegram should be made a part of the record at this point so there will be no question.

Mr. TAVENNER. Bea Melner, come forward, please.

It may be Beatrice.

Mr. SCHERER. Will you kindly raise your right hand, please. Do you solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss MELNER. I do.

**TESTIMONY OF REBECCA L. (BEA) MELNER, ACCCOMPANIED BY
COUNSEL, WAYNE COLLINS**

Mr. TAVENNER. It is noted that the witness is accompanied by the same counsel who accompanied the former witness.

Witness, your name is Beatrice Melner; you were born in New York; your occupation is a schoolteacher; is that not correct?

Miss MELNER. No; it is not correct.

Mr. TAVENNER. What part of it is wrong.

I see I failed to save any time. I will break it down and take the general routine. What is your name, please?

Miss MELNER. My name is Rebecca L. Melner.

Mr. TAVENNER. Rebecca L.?

Miss MELNER. Yes.

Mr. TAVENNER. Are you known at times as Bea?

Miss MELNER. At times I am known as Bea.

Mr. TAVENNER. Other than that was my statement correct, or to save time, were you born in New York?

Miss MELNER. I was born in Manhattan, the Borough of Manhattan, in the city of New York.

Mr. TAVENNER. You are now a schoolteacher?

Miss MELNER. Yes; I am.

Mr. TAVENNER. How long have you lived in California?

Miss MELNER. I have lived in California since 1920.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. COLLINS. We are going to raise the same jurisdictional questions that we raised as in the case of the last witness.

Mr. TAVENNER. Very well. Let the record show that the same jurisdictional objections as were made by the former witness are made here. That is the witness who preceded this witness.

Mr. COLLINS. Are the rulings the same?

Mr. SCHERER. Yes.

Miss MELNER. I received a general elementary credential from San Francisco State Teachers College in 1928. In 1951 I received a bachelor of arts degree from the same college. In between that time, I studied at the University of Nevada, at the University of California.

I took graduate work at San Francisco State Teachers College, and since 1951 I have taken further postgraduate work at San Francisco State Teachers College.

Mr. TAVENNER. Will you tell the committee, please, where you have lived since 1945?

Miss MELNER. I have lived in San Francisco, Calif., since 1945.

Mr. TAVENNER. During that period of time, you attended certain educational institutions and received certain degrees since that time. Was there a period of time that you taught, in between your attendance at educational institutions?

Were there periods of time since you have been in San Francisco that you taught between your sessions at school?

Miss MELNER. I have taught in San Francisco since 1926.

Mr. TAVENNER. And intermittently since that time you have taken this scholastic training that you mentioned?

Miss MELNER. I did this scholastic work during summer and through evening courses.

Mr. TAVENNER. During the period that you have been a teacher in San Francisco, and I will limit that to the period since 1945, have you been aware of the existence of an organized group of the Communist Party in San Francisco composed of professional people, among them being members of the teaching profession?

Mr. COLLINS. Have you fixed that third date?

Mr. TAVENNER. I said since the first of 1945.

Mr. COLLINS. I am not sure she understands your question. Can we have it re-read?

Mr. TAVENNER. Have you known of the existence at any time of an organized group of the Communist Party in San Francisco composed of professional people, including teachers?

Mr. COLLINS. Since October 3?

Mr. TAVENNER. No; I said at any time, in order to eliminate confusion about dates.

Miss MELNER. Since October 3, 1945, to date, I have no such knowledge.

Mr. TAVENNER. This is a very strange thing. The previous witness said she had no knowledge since October 2. You have no knowledge since October 3. Can you explain that to me?

Miss MELNER. On and since October 3, 1945.

Mr. TAVENNER. Then, your testimony is that, actually, since October 2, you have had no knowledge of Communist Party activities?

Miss MELNER. That is so.

Mr. TAVENNER. Is October 3, which is the first date on which you said you had no knowledge, the date that the Levering Act provision applied to the 5 years which you could not have been a member of the Communist Party?

Miss MELNER. October 3, 1945, is the date that I have fixed in my mind because of the Levering Act.

Mr. TAVENNER. Because of the Levering Act? How did you know on October 3, 1945, that there was going to be a Levering Act in 1950 which would have a 5-year provision in it which would happen to begin on October 3?

Miss MELNER. I did not know.

Mr. TAVENNER. You have fixed the date October 3 because of the Levering Act. Suppose there had not been any Levering Act. What would the date have been then?

Miss MELNER. I can fix the date precisely of October 3, 1945, because within 5 years after that date I signed the Levering Act oath.

Mr. TAVENNER. If the Levering Act would have happened to have said 10 years, would that have moved your membership back 10 years instead of 5?

Miss MELNER. I believe the question is argumentative and speculative.

Mr. TAVENNER. Do you refuse to answer?

Miss MELNER. Will you re-read that question, please?

(The pending question was read by the reporter.)

Miss MELNER. I did not state I was a member.

Mr. TAVENNER. Would it have moved back your knowledge—

Mr. SCHERER. I direct you to answer the question.

Miss MELNER. May I have that question again, please?

Mr. SCHERER. Proceed to the next question, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party prior to October 3, 1945?

Miss MELNER. Just a moment please. I wish to consult with my counsel.

(The witness conferred with her counsel.)

I wish to state that I am not a member of the Communist Party and I further state that I was not a member on October 3, 1945, and have not been a member at any time since that date.

Mr. TAVENNER. Now, will you answer my question, please?

Mr. SCHERER. Yes, Madam, I direct that you answer the question.

Miss MELNER. Just a moment, please, I am getting advice from my counsel.

(The witness conferred with her counsel.)

Miss MELNER. I object to the question and also to this hearing on each and all of the following grounds, namely, one, the subpna served on me, the committee authorizing resolution, and also the subject of this investigation as announced in the oral opening statement to the committee do not define its authority and do not inform me of the nature, purpose, extent, and limitations of these hearings or of the matters—

Mr. SCHERER. Just a minute. Is that the same paper that was read by the preceding witness?

Miss MELNER. It is a little different.

Mr. TAVENNER. What difference?

Miss MELNER. You have interrupted me.

Mr. TAVENNER. Yes; and purposely. What is the difference?

Miss MELNER. I do not know the exact difference.

Mr. TAVENNER. Then you do not know whether there is any difference; do you?

Miss MELNER. Yes; there are some differences. I cannot tell you exactly what they are.

Mr. TAVENNER. Have you read the statement before?

Miss MELNER. I will not start again. I will start right here.

Do not define its authority and do not inform me of the purpose, nature, and extent of this hearing, or the matters I am to testify to, or inform me of the nature or any accusation that has been brought against me or give me a reasonable period of time in which to answer any such accusation, or disclose the pertinency of the question, but places me on trial and deprives me of the right of being confronted with witnesses against me, of the right of cross-examination, and

presumption of innocence and to the right of effective assistance of counsel for my defense, each and all of which said things deprive me of the due process of law guaranteed to me by the fifth amendment of the Constitution and of the rights guaranteed to me by the sixth amendment of the Constitution.

Two. It is an attempt to inquire into private affairs unrelated to a valid legislative purpose and exceeds the power lodged in Congress by article I of the Constitution and constitutes an unlawful exercise of the exclusive power lodged in the judiciary by article III of the Constitution and of law-enforcement power lodged exclusively in the Executive by article II of the Constitution and it also denies and disparages rights retained by the people as guaranteed by the 9th amendment of the Constitution and, also, usurps the power reserved to the States or to the people by the 10th amendment of the Constitution.

Three: It is an unlawful attempt to compel me to divulge knowledge concerning my past political beliefs, opinions, activities, and associations, and those of other persons and to cause injurious publicity to me and to them and to expose me and them to public contempt, hatred, and ridicule in violation of the power lodged in Congress by article I of the Constitution.

Four: It constitutes an abridgment of the freedom of speech and expression, and of the freedom of the press and of peaceable assembly and association guaranteed to me by the first amendment of the Constitution; and

Five: It is unlawful to attempt to compel me to be a witness against myself in violation of the provisions of the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

Mr. TAVENNER. I would like to call at this time Mr. Benjamin Dreyfus.

Mr. PURCELL. Mr. Chairman, just a short time ago, I appeared as a witness for Mr. Charles Garry and I made a motion to quash the subpoenaing of that case. In the interest of time, may the record show that the same motion is made to quash the subpoena of service of summons upon Mr. Benjamin Dreyfus and that the subpoena in this case likewise bears the date of May 9, 1957, and that the motion is made upon all of the grounds that were set forth by me at the time I was representing Garry.

Mr. SCHERER. The record may so indicate.

Mr. PURCELL. I assume you ruled you will not quash it?

Mr. SCHERER. No. That is a matter for court.

You do solemnly swear that the testimony you shall give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DREYFUS. I do.

TESTIMONY OF BENJAMIN DREYFUS, ACCOMPANIED BY COUNSEL, JAMES C. PURCELL

Mr. TAVENNER. Will you state your name, please?

Mr. DREYFUS. Benjamin Dreyfus.

Mr. TAVENNER. It is noted that the witness is accompanied by counsel. Please identify yourself for the record.

Mr. PURCELL. My name is James C. Purcell and I am a member of the State of California bar and Supreme Court of the United States and admitted to practice in all of the States of this court. I maintain offices at 990 Geary Street in the city of San Francisco.

Mr. TAVENNER. Where were you born, Mr. Dreyfus?

Mr. DREYFUS. Right here in San Francisco.

Mr. TAVENNER. Do you now reside in San Francisco?

Mr. DREYFUS. Across the bay, sir.

Mr. TAVENNER. You are an attorney by profession?

Mr. DREYFUS. I have the same qualifications as my attorney does; yes, sir. I am admitted to all of the same courts that he is, including the Supreme Court of the United States, and my office is at 703 Market Street.

Mr. TAVENNER. Will you advise the committee, briefly, what your formal education has been in preparation for the practice of your profession?

Mr. DREYFUS. Yes, sir. I attended grammar school and high school in the Peninsula of San Mateo. I went to Stanford University and to law school.

Mr. TAVENNER. Mr. Dreyfus, I have observed from an issue of the Daily People's World of April 26, 1950, that there was some litigation in the State of California over a sum of \$2 million which was tied up in San Francisco banks.

One of the parties in the litigation was the Bank of China and the China National Aviation Corp.

The article indicates that you represented those corporations. Am I correct in that?

Mr. DREYFUS. Could I look at this article?

Mr. TAVENNER. Yes.

Mr. DREYFUS. Mr. Tavenner, with all due respect, I do not like to be required under compulsory processes here to discuss matters which appear in the public press, but I would like to go a little further from the time I first received the subpoena of the committee.

Following as it did so shortly after the criticism of the board of governors of the State bar of California, I was seriously apprehensive that I was being called here because I was a lawyer.

Mr. TAVENNER. Let me straighten you out on this. The institution of this investigation began on the 14th day of June 1956. It was originally planned to conduct this hearing in the fall of 1956, but because of other commitments that the committee had it could not reach it.

This hearing was set to be held in April before the bar that you are speaking of criticized this committee, so there is no connection whatever.

I have said that publicly when queried by the press. There is no connection whatever between this investigation or the subpoenaing of any witness here and what may have transpired at an entirely different hearing.

Mr. DREYFUS. I appreciate your statement, Mr. Tavenner. I am required to reach my own conclusions in that regard, however, and particularly since the first question to which you direct my attention involves my clients, and it seems to me that to ask me about clients that I had represented, seriously infringes upon me at the bar.

Mr. TAVENNER. I have asked you nothing involving a confidential relationship between attorney and client, nothing whatever, and I do not propose to.

Here is a newspaper article saying you represented two Chinese corporations, and I want to ask you a few questions about it, if you were employed or are in a position to know about what I am going to ask you.

Mr. DREYFUS. That is exactly what I said. I realize it is late in the day.

Mr. TAVENNER. Do not let that bother you.

Mr. DREYFUS. I have been sitting here all day and I may be a little bit tired, but I seriously believe that the question is directed to me as an attorney here, called under a compulsory process of the committee, and I am required to be present and to disclose matters of my clients, necessarily injurious to me as a member of the bar.

Mr. TAVENNER. Let me disabuse you of what I see you have in mind and go directly to the matters I want to inquire about.

Both of those corporations appear to be corporations organized under the laws of the United States. I am not asking you to divulge any confidential information, but the article shows that notwithstanding that, the present Chinese Government owns 75 or 80 percent of the stock in the Aviation Corp. It owes a very substantial percent to the Chinese Government of the capital stock of the other corporation.

Mr. SCHERER. Pardon me, Mr. Tavenner. You are talking about the Chinese Communist Government as distinguished from the Chinese Nationalist Government on Formosa?

Mr. TAVENNER. That is right, the present Chinese People's Republic.

The Foreign Agents Registration Act, I am confident, has never been held applicable to a person representing a corporation or charter and organized under the laws of the United States.

I am trying, now, to avoid all of the preliminary questions which I would normally ask you, but you prefer not to be questioned about them.

Have you given consideration to the question of advisability of extending the provisions of the act in such a way as to limit to some extent or, rather, to extend to some extent the present provisions of the act so that it would apply to corporations which had been set up by a foreign power under circumstances such as exist here by the Chinese People's Republic, where it owned the great majority of the stock?

Do you have any views on that?

Mr. DREYFUS. No, sir.

Mr. TAVENNER. Of course, a corporation is a unit in itself. If, instead of having formed this corporation, it had been the Chinese Government which employed you to attempt to recover the \$2 million, would you not have been required to register under the Foreign Agents Registration Act?

Mr. DREYFUS. May I ask this, Mr. Tavenner: Am I under investigation here for some criminal offense or is this for some legislative purpose?

Mr. TAVENNER. Not at all. This committee has been struggling with the provisions of the Foreign Agents Registration Act, as to whether or not it should be tightened in certain respects.

We have spoken, to some extent, in this hearing already with regard to certain types of Communist Party literature that is coming into this country in violation of the provisions of that act.

I have said already that I consider that there is no violation of the act involved here. The committee may desire to make some legislative recommendations. It has been discussed on the subject that I have been discussing with you.

Mr. DREYFUS. Let me be sure I understand you—to legislations that would make legal representation by attorneys of the act, would be illegal?

Mr. TAVENNER. No; it would merely require registration under the Foreign Agents Registration Act as is presently required now.

Mr. DREYFUS. Let me see if I understand your question. I think I have forgotten it.

Mr. TAVENNER. My question was this: Inasmuch as a corporation is a unit in itself, and because of that apparently the Chinese Government, working through this corporation organized in the United States, would not be in any sense subject to provisions of the act or anybody representing that corporation—

Mr. SCHERER. Whereas it would be if it had not been acting through a corporation.

Mr. TAVENNER. That is what I am getting at.

I am not asking you to divulge any information that you obtained in connection with the representation that you had according to the paper, but are you in any position where you can offer any suggestion regarding that?

You are probably better acquainted with situations of that kind than members of the committee.

Mr. DREYFUS. I undoubtedly should be more familiar with the provisions of the Foreign Agents Registration Act than I am, but unfortunately I must—I hate to do it publicly—but plead some ignorance, and I am not an expert in that field.

Accordingly, I doubt that anything that I could suggest would be of value, sir, in that regard.

May I have a moment to consult with Mr. Purcell?

Mr. TAVENNER. Yes, sir.

(The witness conferred with his counsel.)

Mr. DREYFUS. May I add just one thing to my previous answer, Mr. Tavenner? I certainly would heartily oppose any legislation or amendments to such a bill that might require a lawyer to divulge confidential information received from his client, whoever his client may be. That is why I mentioned in the first instance that I was somewhat apprehensive of the nature of the questions which the committee was doing, what the board of governors of the State bar was doing, which I quite rightly criticized them for doing, interfering with the rights of lawyers.

Mr. TAVENNER. I made no such implication.

Mr. DREYFUS. I understood that and I am sure you can understand my apprehensions.

Mr. TAVENNER. Mr. Dreyfus, you have been active in the National Lawyers Guild in the sense of occupying executive positions over a long period of time; have you not?

Mr. DREYFUS. Well, now, Mr. Tavenner, I identify this question, too, since it relates to a bar association, as having the latent possibility of interfering with the independence of the bar, but I am sorry that you are going into it for that reason. I am sorry that the committee thinks it is proper.

I do not want to ask you again, Mr. Tavenner, to state the pertinency or the relevance as you have done before. I know that both constitutional lawyers and the Supreme Court opinions this Monday, with the hearings that commenced on Tuesday morning that we have all been grappling with new constitutional concepts, and I do not want to ask you to go through the whole thing again.

But as I read the Watkins case, trying to understand it thoroughly, it seems to me that a much more definite legislative purpose ought to be stated as a requirement to my answering such a question again under compulsory processes, and I would appreciate it if you will tell me what legislative purpose you have in mind in asking me that question.

Mr. TAVENNER. You were present when the statement was made a little while ago with regard to the purpose and pertinency of the same question I asked of another lawyer.

Mr. DREYFUS. I was here. I have been here all day.

Mr. SCHERER. Do you want Mr. Tavenner to explain to you the pertinency of the question? If you do, Mr. Tavenner will explain it to you.

You said something there about the hour getting late, and you did not want him to. I am not clear.

Mr. DREYFUS. Will you excuse me just one second, sir?

(The witness conferred with his counsel.)

Mr. DREYFUS. What I had in mind was this, Mr. Scherer, Mr. Tavenner, I did not want Mr. Tavenner to repeat what I did hear before and his explanation of the pertinency of questions related to the bar association. As a lawyer, I am afraid that I do not join Mr. Tavenner in his explanation of the sufficiency, but I wanted to take it one step further and, therefore, I could not ask him to do that, but beyond the pertinency provision, what is the legislative purpose? What legislation do you have in mind?

Mr. MCINTOSH. Excuse me for interrupting.

I think the committee was satisfied with the pertinency and relevance to the legislative purpose and if you do not agree with it, there is really no use for anyone to belabor the point further.

We are satisfied on the adequacy of the explanation that has been given.

Mr. DREYFUS. The explanation of pertinency suffices to explain the legislative pertinency.

Mr. MCINTOSH. You stated that you were in the room, and we have gone through this on similar questions together with Mr. Tavenner's recent remarks. We feel it is sufficient to comply with the requirements of the case. If we are not in agreement, let us make the disagreement clear, and proceed to an answer.

Mr. DREYFUS. I have no purpose whatever in belaboring the point, sir, or extending the matter. I had conceived the two questions to be different ones, Mr. McIntosh.

Pertinency is one thing; the legislative purpose is still another, and it was toward the latter—

Mr. SCHERER. So there will be no question, Mr. Tavenner, explain the legislative purpose and also the pertinency of the question.

Mr. TAVENNER. As I explained formerly, the subject that the committee has been undertaking to investigate is the activities of the professional cells of the Communist Party in San Francisco.

The extent, character, and objects of the Communist Party activities within that group, and, as I explained before, the legislative purpose for inquiring into those subjects is the task and duty that the committee has in the way it views the matter of considering whether or not there is additional legislative action that should be taken regarding the Communist Party, even if it goes to the extent of outlawing the Communist Party as such.

In other words, if the committee as a result of this and other investigations it is conducting, is of the opinion that the time has now arrived in light of all of the circumstances that more stringent legislation should be adopted, this committee wants to be able to advise Congress of the fact upon which it feels such action should be taken and to have the facts upon which it should make up its mind.

I have explained somewhat in detail, and it was also done by the chairman in his opening statement, that this committee has been pondering that question since 1950. This committee, although there was a difference of opinion among its members, did not feel like going to that ultimate extent in 1950.

A compromise view was adopted. Many legislative bills have been presented since that time on this subject that we are now considering. This committee has withheld any judgment. It has stated in its annual reports that it is not ready yet to come to any legislative conclusion as to just what precise legislation should be adopted, and whether or not, in the evaluation of the situation as it exists today, it is such a situation that the Communist Party should, by proper legislation, be outlawed as such, and then that has been explained.

I do not think I have added anything in principle which has been said. I think you are satisfied on the matter of pertinency. If you desire a repetition of that, I will.

Mr. DREYFUS. No, sir; I do not need any repetition.

Mr. TAVENNER. As to the question of pertinency, I have traced the importance of Communist Party work in many mass organizations and particularly in the Lawyers Guild from the time of its inception.

We want to know what it is here and we want to know the extent of its operations.

Mr. DREYFUS. I want to say this: I am certain that the committee would not proceed knowingly, in an unconstitutional way. I am sure that the committee would agree with me and I think if my estimate of the impact of the Watkins case is correct, it does not require me to answer such questions and they agree with me, nor can I really believe that the committee would recommend such unconstitutional legislation as to outlaw a political party, so I must respectfully disagree with you, Mr. Tavenner, as to the sufficiency of the legislative purposes as you have explained them to me.

Mr. SCHERER. I direct you to answer the question.

Mr. DREYFUS. Notwithstanding the objections that I have made, I am still directed to answer; is that correct?

Mr. SCHERER. That is correct.

Mr. DREYFUS. I do not understand it. Yes; it is true. Yes; I have been in the National Lawyers Guild for a long time and I am very proud of that bar association. Its activities particularly in the field of the independence of the bar, for which I feel very deeply concerned for a number of years, Mr. Tavenner, have kept me a member and I have been very glad to have been a member.

Mr. TAVENNER. You were secretary in 1941, treasurer in 1944, executive secretary in 1945, secretary in 1947, secretary in 1949, secretary in 1950.

You were a delegate in 1954, according to information that I have here. Do you think that is substantially correct?

Mr. DREYFUS. It sounds rather flattering, Mr. Tavenner. I have no independent recollection of the dates about which you speak.

Mr. TAVENNER. Are you a member now?

Mr. DREYFUS. Yes.

Mr. TAVENNER. During that period of time when you held those responsible offices, were you a member of the professional cell of the Communist Party here in San Francisco which has been generally referred to as the professional cell composed of lawyers, or at a time when the lawyers were members of a general professional cell?

Mr. DREYFUS. Here again, as indicated at the earlier questions, I cannot see any lawful, legitimate purpose. I appreciate that we are all having difficulty with all of the new constitutional questions which we are confronted with, and, frankly, you are trying very hard to meet the requirements of the Constitution as imposed upon this committee.

I do not think the fault has been yours that you have been unable to do so, but I am sure that you have been, at least to my satisfaction as a constitutional lawyer, and I am a fair one, and I am able to see the legislative, lawful, valid purpose of this committee's purposes and I must decline to answer the question.

Mr. SCHERER. Witness, I direct you to answer the question. We do not accept your declination to refuse to answer for the reasons given.

Mr. DREYFUS. I do not quite understand that.

Mr. MCINTOSH. You are directed to answer the question.

Mr. DREYFUS. May I consult with counsel on that?

Mr. MCINTOSH. Yes.

(The witness conferred with his counsel.)

Mr. DREYFUS. Mr. Chairman, I must interpose the objections that I have stated to the committee already, the fifth amendment to the Constitution, the first amendment to the Constitution, the first amendment, which I am so delighted to see has new dignity as a result of the Supreme Court's recent decision in the Watkins case.

Mr. SCHERER. I accept your declination.

Mr. DREYFUS. That is very gracious of you.

Mr. SCHERER. Do you have any further questions?

Mr. TAVENNER. Yes, sir; I do.

Will you tell the committee please, if you know, what the size of the membership is now in the Haymarket group of the Communist Party which we understand is a name which has been given to an

organized group of professionals composed of members of the legal profession?

Mr. DREYFUS. Excuse me, sir.

(The witness conferred with his counsel.)

Mr. DREYFUS. Mr. Tavenner, I identified that question as substantially similar to the next previous question. I, therefore, interpose as reasons for my reason for declining to answer, I believe that is the form that the chairman recommended to previous witnesses; I interpose all of the objections that I have made to the next previous question, and I am afraid I must add this, sir, if you persist in asking questions of that nature, substantially in the same period, that I will be forced to conclude that your purpose in doing so cannot be a legislative one, but must be one criticized by the Supreme Court in the Watkins case, such method of bringing ridicule.

Mr. TAVENNER. On the contrary, if I asked you only the question of whether you had been a member of the Communist Party, you would say that is all I wanted to know when actually I am here trying to obtain facts regarding the operations of that group; so, if I ask them one way, you criticize us, if I ask the other way we are criticized, too; so let me pose another question.

Will you tell the committee, please, in what type of activities that group of the Communist Party is now engaged?

Mr. DREYFUS. That is exactly the same question in a different form.

Mr. TAVENNER. No; there is a great deal of difference.

Mr. SCHERER. Would you answer the question or decline to answer it?

Mr. DREYFUS. I intended to decline to answer the question identifying it as substantially the same question upon the same grounds.

Mr. SCHERER. Proceed to the next question.

Mr. TAVENNER. In what mass organizations are the members of that group working now?

Mr. DREYFUS. As I said a moment ago, persistence by you in asking questions of this character in this area of this nature force me to the conclusion that your only purpose in asking them is to do exactly what the Supreme Court said this committee had been up to before and should not do, had no constitutional power to do, to bring some form of ridicule or shame upon me and I deny that you have any right to ask me those questions.

Mr. TAVENNER. On the contrary if I did not ask, you would say the same thing, that all I wanted to do was to embarrass you.

Mr. DREYFUS. If you are saying that for some time I had little or no sympathy with this committee, I am afraid you would be right.

Mr. TAVENNER. Would you answer the question?

Mr. DREYFUS. I declined to answer the question as I attempted to do, on the several grounds that I previously indicated.

Mr. TAVENNER. Are you a member of the Communist Party?

Mr. DREYFUS. I identify that as the same question.

Mr. SCHERER. I direct you to answer.

Mr. DREYFUS. Yes; my position is the same. I decline to answer upon the same grounds as I previously stated.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. Mr. Chairman, it is now 10 minutes of 6. It is quite apparent that we will not be able to complete the work that the committee had planned to do. We have some witnesses—not very many—but we have some witnesses who have been subpoenaed, but who have not been called.

The new constitutional problems that have been mentioned here by nearly every witness for 4 days, resulting in the reading of large portions of the decision into the record, the necessity on my part, as a result of raising questions as to the pertinency of a particular question which is quite apparent, I think, in most instances on their face, has necessitated my repeating time and time again, as I am required to do under the Watkins case, the subject that the witnesses then are being inquired about and the pertinency of the question, along with the connected reasoning of the committee as to how that question is related to the subject.

The result of it is that it has prolonged this hearing, I am certain, many, many hours beyond which anyone could have contemplated. Repetition of that time and time again has prevented us from completing this work.

I think there is nothing for the committee to do but decide sometime later when it will hear the other witnesses.

Mr. SCHERER. What you have said is true. The committee concurs in that recommendation.

The hearing is adjourned.

(Whereupon, at 5:50 p. m., Friday, June 21, 1957, the hearing in the above-entitled matter was adjourned, subject to the call of the Chair.)

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